



## MONROE COUNTY LEGISLATURE

May 11, 2021 6:00 PM

### **AGENDA - Day 10**

- A. Call to Order
- B. Suspension of the Rules
  - Providing that Rules of the Monroe County Legislature be Suspended and Modified for the Regular Meeting on May 11, 2021
- C. Moment of Silent Prayer
- D. Pledge of Allegiance Led by Legislator Howard Maffucci
- E. Approval of Journal
  - April 13, 2021, Day 8 of 2021
  - April 27, 2021, Day 9 of 2021
- F. Presentation of Petitions and Communications
  - Approved Committee Minutes
  - New Referral Packet
  - Read and Files
  - Reports from Administration
  - Proposed Resolutions for May 2021
- G. Proclamations - There are several scheduled
- H. Recess Legislature - Public Hearing(s) before the Legislature
  - 6:15 p.m. - Enacting a Local Law Entitled, "Business Closure Transparency Act"
  - 6:16 p.m. - Enacting a Local Law Entitled, "Operation of Off-Road Vehicles on Public Highways in Monroe County"

- I. Reconvening Legislature
- J. Presentation of Formal Committee Reports - None
- K. Public Forum – There are several speakers registered
- L. Local Laws
  - 1. 21-0081.LL  
Brew & Delehanty  
Providing that Local Law (Intro. No. 135 of 2021), Entitled "Business Closure Transparency Act" be Lifted from the Table
  - 2. 21-0081.LL  
Brew & Delehanty  
Providing that Local Law (Intro. No. 135 of 2021), Entitled "Business Closure Transparency Act" be Adopted
  - 3. 21-0125.LL  
Smith & Barnhart  
Enacting a Local Law Requiring Motorists to Provide a Minimum of Three Feet of Space When Passing a Bicycle Rider  
Committee of the Whole; April 27, 2021 - CV: 28-0  
*For Introductory Purposes Only*
  - 4. 21-0125.LL  
Smith & Barnhart  
Providing that Local Law (Intro No. \_\_\_ of 2021) entitled "Enacting a Local Law Requiring Motorists to Provide a Minimum of Three Feet of Space When Passing a Bicycle Rider," be Tabled
  - 5. 21-0125.LL  
Smith & Barnhart  
Fixing a Public Hearing on Local Law (Intro No. \_\_\_ of 2021) entitled, "Enacting a Local Law Requiring Motorists to Provide a Minimum of Three Feet of Space When Passing a Bicycle Rider"  
*Public Hearing will be held on June 8, 2021 at 6:15 p.m.*
  - 6. 21-0131.LL  
Brew & Ancello  
Providing that File No. 21-0131 entitled, "Enact a Local Law Establishing a Sustainable Energy Loan Program (OPEN C-PACE) in Monroe County and

Authorize a Contract with Energy Improvement Corporation to Administer the Energize NY Open C-PACE Program,” be Discharged from Committee

7. 21-0131.LL

Yudelson, Delehanty and Ancello

Enact a Local Law to Establish a Sustainable Energy Loan Program (Open C-PACE) in Monroe County

*For Introductory Purposes Only*

8. 21-0131.LL

Yudelson, Delehanty and Ancello

Providing that Local Law (Intro. No. \_\_\_ of 2021) Establishing a Sustainable Energy Loan Program (Open C-PACE) in Monroe County, be Tabled

9. 21-0131.LL

Yudelson, Delehanty and Ancello

Fixing a Public Hearing on Local Law (Intro. No. \_\_\_ of 2021) Establishing a Sustainable Energy Loan Program (Open C-PACE) in Monroe County

*Public Hearing is Scheduled for Tuesday, June 8, 2021 at 6:16 p.m.*

10. 21-0164.LL

Felder & Flagler-Mitchell

Providing that Local Law (Intro No. 175 of 2021) entitled, "Operation of Off-Road Vehicles on Public Highways in Monroe County," be Lifted from the Table

11. 21-0164.LL

Brew & DiFlorio

Providing that Local Law (Intro No. 175 of 2021) entitled, "Operation of Off-Road Vehicles on Public Highways in Monroe County," be Amended

12. 20-0340.LL

Flagler-Mitchell & Felder

Providing that Referral No. 20-0340 entitled, "Enact a Local Law Entitled 'Gantt's Law for Utilization of Minority and Women-Owned Businesses,'" be Discharged from the Agenda/Charter Committee

13. 20-0340.LL

Flagler-Mitchell & Felder

Enact a Local Law Entitled "Gantt's Law for Utilization of Minority and Women-Owned Businesses"  
*For Introductory Purposes Only*

14. 20-0340.LL

Flagler-Mitchell & Felder

Providing that Local Law (Intro No. \_\_\_ of 2021) entitled, "Enact a Local Law Entitled 'Gantt's Law for Utilization of Minority and Women-Owned Businesses,'" be Amended

15. 20-0340.LL

Flagler-Mitchell & Felder

Providing that Local Law (Intro No. \_\_\_ of 2021) entitled, "Enact a Local Law Entitled 'Gantt's Law for Utilization of Minority and Women-Owned Businesses,'" be Tabled

16. 20-0340.LL

Flagler-Mitchell & Felder

Fixing a Public Hearing on Local Law (Intro No. \_\_\_ of 2021) entitled, "Enact a Local Law Entitled 'Gantt's Law for Utilization of Minority and Women-Owned Businesses'"

*Public Hearing will be held on June 8, 2021 at 6:17 p.m.*

M. Consideration of Motions, Resolutions and Notices

17. 21-0130

Dondorfer & Delehanty

Accepting Grant from Federal Aviation Administration (Coronavirus Response and Relief Supplemental Appropriations Act Grant Program) Related to Operation and Maintenance of the Frederick Douglass - Greater Rochester International Airport

Committee of the Whole; April 27, 2021 - CV: 28-0

18. 21-0131

Yudelson, Delehanty and Ancello

Authorizing Contract with Energy Improvement Corporation to Administer Energize NY Open C-PACE Program

19. 21-0132

Dondorfer & Delehanty

Authorizing Contracts with Testa Construction Inc., Postler & Jaeckle Corp., Landry Mechanical Contractors Inc., and Billitier Electric, Inc. for Monroe Community College Finger Lakes Workforce Development Center Project Committee of the Whole; April 27, 2021 - CV: 28-0

20. 21-0133

Dondorfer & Delehanty

Amending 2021-2026 Capital Improvement Program to Add a Project Entitled "Space Utilization and Renovation of CityPlace"  
Committee of the Whole; April 27, 2021 - CV: 26-2

21. 21-0133.br

Dondorfer & Delehanty

Resolution Authorizing the Issuance of \$9,000,000 Bonds of the County of Monroe, New York, to Finance the Cost of Space Utilization and Renovation of CityPlace in and for Said County, at an Estimated Maximum Cost of \$9,000,000  
Committee of the Whole; April 27, 2021 - CV: 26-2

22. 21-0134

Dondorfer & Delehanty

Accepting Grants from New York State Department of Environmental Conservation for Zero Emission Vehicle Infrastructure Project  
Committee of the Whole; April 27, 2021 - CV: 28-0

23. 21-0135

Boyce & Delehanty

Amending Resolution 122 of 2017 as Amended by Resolution 113 of 2018 Extending and Increasing Contract with WorkFit Medical, LLC for Sheriff's Employees' Medical Services  
Committee of the Whole; April 27, 2021 - CV: 28-0

24. 21-0136

Boyce & Delehanty

Authorizing Contract with Roberts Wesleyan College for Rochester Threat Advisory Committee Program Management  
Committee of the Whole; April 27, 2021 - CV: 28-0

25. 21-0137

Boyce & Delehanty

Accepting Grant from United States Department of Justice, United States Marshals Service Western District of New York for the United States Marshals Service NY/NJ Regional Fugitive Task Force - Rochester Division Committee of the Whole; April 27, 2021 - CV: 28-0

26. 21-0138

Boyce & Delehanty

Accepting Grant from New York State Office of Indigent Legal Services for Offices of Public Defender and Conflict Defender for Provision of Indigent Legal Services

Committee of the Whole; April 27, 2021 - CV: 28-0

27. 21-0139

Boyce & Delehanty

Authorizing Creation of Three (3) New Positions in the Public Defender's Office and Authorizing Creation of Nine (9) New Positions in Conflict Defender's Office as Part of Year 3 Funding of Statewide Expansion of the Hurrell-Harring Project Grant

Committee of the Whole; April 27, 2021 - CV: 28-0

28. 21-0140

Boyce, Ancello & Delehanty

Authorizing Intermunicipal Agreement with City of Rochester to Accept Pass Through Funding from United States Department of Justice for 2020 Edward Byrne Memorial Justice Assistance Grant Program

Committee of the Whole; April 27, 2021 - CV: 28-0

29. 21-0141

Boyce & Delehanty

Accepting Grant from United States Department of Justice, Office of Justice Programs, for FY2020 DNA Capacity Enhancement and Backlog Reduction Program

Committee of the Whole; April 27, 2021 - CV: 28-0

30. 21-0142

Boyce & Delehanty

Accepting Grant from New York State Division of Homeland Security and Emergency Services for FY2020 State Law Enforcement Terrorism Prevention Program

Committee of the Whole; April 27, 2021 - CV: 28-0

31. 21-0143  
Boyce & Delehanty  
Authorizing Contract with University of Rochester for Continuing Development and Sustainment of County's Medical Countermeasure Program Committee of the Whole; April 27, 2021 - CV: 28-0
  
32. 21-0144  
Boyce, Ancello & Delehanty  
Amending Resolution 284 of 2020 to Extend Time Period of Intermunicipal Agreement with City of Rochester for FY2016 Complex Coordinated Terrorist Attack Grant Committee of the Whole; April 27, 2021 - CV: 28-0
  
33. 21-0145  
Wilt & Delehanty  
Authorizing Contracts with County of Monroe Industrial Development Agency and Environmental Design & Research, Landscape Architecture, Engineering & Environmental Services, DPC for Professional Services for Monroe County Comprehensive Plan Committee of the Whole; April 27, 2021 - CV: 28-0
  
34. 21-0146  
Ancello, Smith & Delehanty  
Authorizing Intermunicipal Agreement with City of Rochester to Provide Water Quality Monitoring for Beach at Durand Eastman Park Committee of the Whole; April 27, 2021 - CV: 28-0
  
35. 21-0147  
Colby & Delehanty  
Authorizing Contract with Greenman-Pedersen, Inc. for Engineering Services Committee of the Whole; April 27, 2021 - CV: 28-0
  
36. 21-0147.br  
Colby & Delehanty  
Resolution Authorizing the Issuance of \$400,000 Bonds of the County of Monroe, New York, to Finance the Cost of the Expressway Lighting Rehabilitation-Central, in and for Said County, at an Estimated Maximum Cost of \$400,000 and Superseding the Bond Resolution Adopted on December 15,

2020 (Resolution No. 377 of 2020)  
Committee of the Whole; April 27, 2021 - CV: 28-0

37. 21-0148

Colby & Delehanty

Authorizing Contract with Bergmann Associates, Architects, Engineers,  
Landscape Architects & Surveyors, D.P.C. for Engineering Services for  
Middle Road Project in Town of Henrietta

Committee of the Whole; April 27, 2021 - CV: 28-0

38. 21-0149

Dondorfer & Wilt

Classification of Action and Determination of Significance Pursuant to State  
Environmental Quality Review Act for Acquisition of Real Property for  
Culver Road Highway Improvement Project at 4225 Culver Road in the Town  
of Irondequoit

Committee of the Whole; April 27, 2021 - CV: 28-0

39. 21-0150

Colby & Delehanty

Authorizing Acquisition of Interests in Real Property for Culver Road  
Highway Improvement Project at 4225 Culver Road in Town of Irondequoit

Committee of the Whole; April 27, 2021 - CV: 28-0

40. 21-0151

Dondorfer & Wilt

Classifications of Action and Determination of Significance Pursuant to State  
Environmental Quality Review Act for Acquisition of Real Property for  
English Road Highway Improvement Project in the Town of Greece

Committee of the Whole; April 27, 2021 - CV: 28-0

41. 21-0152

Colby & Delehanty

Authorizing Acquisition of Interests in Real Property for English Road  
Highway Improvement Project in Town of Greece

Committee of the Whole; April 27, 2021 - CV: 28-0

42. 21-0153

Smith & Delehanty

Authorizing Contract with University of Rochester Medical Center for Medical



Services for Monroe Community Hospital  
Committee of the Whole; April 27, 2021 - CV: 28-0

43. 21-0154

Dondorfer & Delehanty

Amending the 2021-2026 Capital Improvement Program to Add a Project  
Entitled "Energy Improvement Equipment Acquisition"  
Committee of the Whole; April 27, 2021 - CV: 28-0

44. 21-0154.br

Dondorfer & Delehanty

Resolution Authorizing the Issuance of \$12,900,000 Bonds of the County of  
Monroe, New York, to Finance the Cost of an Energy Improvement Equipment  
Acquisition Project in and for said County, at an Estimated Maximum Cost of  
\$12,900,000  
Committee of the Whole; April 27, 2021 - CV: 28-0

45. 21-0155

Smith & Delehanty

Amending Resolution 431 of 2020, as Amended by Resolution 24 of 2021,  
Authorizing Contracts for Provision of Mental Health, Developmental  
Disability, and Alcoholism and Substance Abuse Services in 2021 for Monroe  
County Office of Mental Health  
Committee of the Whole; April 27, 2021 - CV: 28-0

46. 21-0163

Hebert, Allkofer, & Wilt

Authorizing Contract with Trybe Ecotherapy, LLC for Provision of Pilot  
Mental Health Program as a Holistic Option for Veterans Struggling with  
Mental Illness for Monroe County Department of Veteran Services  
Committee of the Whole; April 27, 2021 - CV: 28-0

*Matters of Urgency*

47. 21-0165

Felder, Flagler-Mitchell & Keophetlasy

Authorizing Allocation of Emergency Grant Funding to Support Arts  
Organizations Negatively Impacted by COVID-19 Pandemic  
*Matter of Urgency*

48. 21-0166

Hebert & Delehanty

Amending Resolution 134 of 2020 Entitled "Accepting Grant from United States Treasury for Coronavirus Aid, Relief and Economic Security Act," for Provision of Additional Legislative Fiscal Oversight

*Matter of Urgency*

49. 21-0167

Hebert & Terp

Authorizing Intermunicipal Agreement with Town of Webster for an Exchange of Real Property to Fulfill and Assist with the Completion of Town of Webster's Lake Ontario Resiliency and Economic Development Initiative (REDI) Mo.56 Lake Road Improvement Project

*Matter of Urgency*

50. 21-0168

Hebert & Brew

Addressing Homelessness in the Civic Center Parking Garage

*Matter of Urgency*

N. Unfinished Business

O. Adjournment

The next meeting of the Monroe County Legislature is scheduled for Tuesday, June 8, 2021 at 6:00 p.m.



**ATTACHMENTS:**

Description File Name	Type
▫ Resolution Day_10__Motion_to_Suspend_Rules_of_Legislature.pdf	Resolution

By Legislators Brew and DiFlorio

Intro. No. \_\_\_\_

MOTION NO. \_\_\_\_ OF 2021

**PROVIDING THAT RULES OF THE MONROE COUNTY LEGISLATURE BE  
SUSPENDED AND MODIFIED FOR THE REGULAR MEETING ON MAY 11, 2021**

Be It Moved, that Article II, Section 545-6 of the Rules of the Monroe County Legislature, be, and hereby is suspended and modified by prohibiting public in-person access to the Special Meeting in favor of video viewing or listening to, and recording and later transcription of such proceeding.

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_



**ATTACHMENTS:**

Description	File Name	Type
▣ April 13, 2021	4.13.21_Draft_Journal.pdf	Backup Material

**EIGHTH DAY**

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**TUESDAY, April 13, 2021**

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Legislature met pursuant to adjournment.

President Dr. Joe Carbone in the Chair.

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**ROLL CALL**

Present – Legislators Allkofer\*, Ancello\*, Barnhart\*, Bauroth\*, Baynes\*, Boyce\*, Brew\*, Carbone, Colby\* Delehanty\*, DiFlorio\*, Dondorfer\*, Felder\*, Flagler-Mitchell\*, Hasman\*, Keophetlasy\*, LaMar\*, Lee\*, Maffucci\*, Marianetti\*, Morelle, Jr.\*, Roman\*, Smith\*, Taylor\*, Terp\*, Wilcox\*, Wilt\*, Yudelson\* – 28

Absent – Hebert – 1

\* Legislator Participated in the Meeting via Teleconference in Accordance with Executive Order 202.1 and 202.98, issued by Governor Andrew M. Cuomo.

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**SUSPENSION OF THE RULES**

Intro. 131  
M. 34  
28-0

Brew & DiFlorio  
Motion to Suspend the Rules of the Monroe County Legislature as follows:

PROVIDING THAT RULES OF THE MONROE COUNTY LEGISLATURE BE SUSPENDED AND MODIFIED FOR THE REGULAR MEETING ON MARCH 9, 2021

Be It Moved, that Article II, Section 545-6 of the Rules of the Monroe County Legislature, be, and hereby is suspended and modified by prohibiting public in-person access to the Regular Meeting in favor of video viewing or listening to, and recording and later transcription of such proceeding.

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**MOMENT OF PRAYER**

The meeting formally opened. Prayer led by Father Bob Werth of Annunciation Church, at the invitation of Legislator Dondorfer. The Pledge of Allegiance to the Flag was led by Legislator R. Edwin Wilt.

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**IN MEMORIAM**

39. Brew & Felder Intro. 132 Res. 98 28-0	21-0157	Expressing Regret of the Monroe County Legislature on the Recent Passing of Donna L. Tangen, Mother of Monroe County Legislature Jackie Smith Matter of Urgency
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40. Brew & Felder Intro. 133 Res. 99	21-0158	Expressing Regret of the Monroe County Legislature on the Recent Passing of Emanuel Renard Felder, Brother of Monroe County Legislature Vincent R. Felder Matter of Urgency
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28-0

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|--|---------|---|
| 41. Brew &<br>Felder<br>Intro. 134<br>Res. 100<br>28-0 | 21-0159 | Expressing Regret of the Monroe County Legislature on the Recent Passing of Former Monroe County Legislator and Clerk of the Monroe County Legislature Robert Quinn, Jr.<br>Matter of Urgency |
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### APPROVAL OF MINUTES

Without objection, the Journals of Day 5, March 9, 2021, Day 6, Special Meeting, March 16, 2021, and Day 7, Special Meeting, March 23, 2021 were approved as submitted.

*(Note: President Carbone stated the meeting had been closed to the public and all Legislators are participating via video or teleconference in accordance with Executive Order 202.1 and 202.98. President Carbone also noted that keeping with the Legislature's tradition of openness, the meeting is being live-stream on YouTube through the Legislature's official channel.)*

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### PETITIONS AND COMMUNICATIONS

*None*

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### PROCLAMATIONS

*None*

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### FORMAL COMMITTEE REPORTS

*None*

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### PUBLIC FORUM

An Open Forum was conducted. The comments of one pre-registered participant were read and the Open Forum concluded at 6:19 P.M.

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### RECESS

A recess was declared by President Carbone to allow for a meeting of the **Pure Waters Administrative Board**.

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### RECONVENING LEGISLATURE

President Carbone reconvened the recessed meeting of April 13, 2021 and proceeded under the Usual Order of Business.

### CONSIDERATION OF LOCAL LAWS

1. Taylor & Delehanty  
Intro. 135  
28-0      21-0081.LL    Enacting a Local Law Entitled “Business Closure Transparency Act”,  
For Introductory Purposes Only  
Committee of the Whole; March 23, 2021- CV: 19-9
  
2. Taylor & Delehanty  
Intro. 136  
M. 35  
28-0      21-0081.LL    Providing that Local Law (Intro No. 135 of 2021) entitled Enacting A Local Law Entitled  
“Business Closure Transparency Act”, Be Tabled
  
3. Taylor & Delehanty  
Intro. 137  
Res. 101  
27-1      21-0081.LL    Fixing a Public Hearing on Local Law (Intro No. 135 of 2021) entitled, Enacting A Local  
Law Entitled “Business Closure Transparency Act”  
(Public Hearing Scheduled for Tuesday, May 11, 2021 at 6:15 P.M.)  
  
*(Legislator Morelle, Jr. Voted in the Negative.)*

### MOTIONS, RESOLUTIONS AND NOTICES

4. Dondorfer & Delehanty  
Intro. 138  
Res. 102  
28-0      21-0080      Confirming Reappointment and Appointment to the Monroe County Water Authority
  
5. Dondorfer & Delehanty  
Intro. 139  
Res. 103  
28-0      21-0085      Authorizing Contract with CHA Consulting, Inc. for Design Services for the Runway  
10-28 Obstruction Removals - Phase II Project at Frederick Douglass Greater Rochester  
International Airport  
Committee of the Whole; March 23, 2021- CV: 28-0
  
6. Dondorfer & Delehanty  
Intro. 140  
Res. 104  
28-0      21-0086      Authorizing Cooperative Agreement with the United States Department of Homeland  
Security, Transportation Security Administration, for Law Enforcement Personnel  
Reimbursement at Frederick Douglass Greater Rochester International Airport  
Committee of the Whole; March 23, 2021- CV: 28-0
  
7. Dondorfer & Delehanty  
Intro. 141  
Res. 105  
28-0      21-0087      Authorizing Joint Agreement with United States Department of Interior for Water  
Resources Investigations Project  
Committee of the Whole; March 23, 2021- CV: 28-0
  
8. Dondorfer & Delehanty  
Intro. 142  
Res. 106  
28-0      21-0089      Amending Resolution 104 of 2019 to Increase and Extend the Contract with Monroe  
County Soil and Water Conservation District  
Committee of the Whole; March 23, 2021- CV: 28-0



9. Dondorfer & Delehanty  
Intro. 143  
Res. 107  
28-0  
21-0090  
Accepting Grant from New York State Department of Environmental Conservation for the Climate Smart Communities Project- Regional Community Rating System Strategy Project and Authorize Contract with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C.  
Committee of the Whole; March 23, 2021- CV: 28-0
10. Boyce, Delehanty  
Intro. 144  
Res. 108  
28-0  
21-0091  
Accepting Grant from New York State Division of Criminal Justice Services for 2020 Paul Coverdell Forensic Science Improvement Program (Monroe County Crime Lab)  
Committee of the Whole; March 23, 2021- CV: 28-0
11. Boyce & Delehanty  
Intro. 145  
Res. 109  
28-0  
21-0092  
Accepting Grant from New York State Division of Criminal Justice Services for County Reentry Task Force Program and Authorizing Contract with Delphi Drug and Alcohol Council, Inc.  
Committee of the Whole; March 23, 2021- CV: 28-0
12. Boyce & Delehanty  
Intro. 146  
Res. 110  
28-0  
21-0093  
Accepting Grant from Department of Justice of Juvenile Justice and Delinquency Prevention for Improving Outcomes for Justice Involved Youth with Behavioral Health Challenge  
Committee of the Whole; March 23, 2021- CV: 28-0
13. Boyce & Delehanty  
Intro. 147  
Res. 111  
28-0  
21-0094  
Authorizing Contract with Orion Communications, Inc. for Scheduling Software Solution for the Sheriff's Office  
Committee of the Whole; March 23, 2021- CV: 28-0
14. Boyce & Delehanty  
Intro. 148  
Res. 112  
28-0  
21-0095  
Accepting Grant from New York State Division of Criminal Justice Services for the Motor Vehicle Theft and Insurance Fraud Prevention Program (Office of the Sheriff)  
Committee of the Whole; March 23, 2021- CV: 28-0
15. Boyce & Dondorfer  
Intro. 149  
Res. 113  
28-0  
21-0096  
Authorizing Federal Equitable Sharing Agreements with United States Department of Justice and United States Department of the Treasury  
Committee of the Whole; March 23, 2021- CV: 28-0
16. Boyce & Delehanty  
Intro. 150  
Res. 114  
28-0  
21-0097  
Accepting Grant from New York State Division of Criminal Justice Services for Motor Vehicle Theft and Insurance Fraud Prevention Program (District Attorney's Office)  
Committee of the Whole; March 23, 2021- CV: 28-0
17. Boyce & Dondorfer  
Intro. 151  
Res. 115  
28-0  
21-0098  
Accepting Grant from New York State Division of Criminal Justice Services for Crimes Against Revenue Program  
Committee of the Whole; March 23, 2021- CV: 28-0

18. Colby & Delehanty  
Intro. 152  
Res. 116  
28-0
- 21-0099 Accepting Grant from Genesee Transportation Council for Monroe County High Accident Location Program  
Committee of the Whole; March 23, 2021- CV: 28-0
19. Colby & Boyce,  
Delehanty  
Intro. 153  
Res. 117  
28-0
- 21-0100 Authorizing Contract with Barton & Loguidice, D.P.C for Engineering Services for East River Road Project, NYS Thruway I-90 to Ward Road, in the Town of Henrietta  
Committee of the Whole; March 23, 2021- CV: 28-0
20. Colby & Delehanty  
Intro. 154  
Res. 118  
28-0
- 21-0101 Authorizing Contract with M.L. Caccamise Electric Corp. for Construction Services for Highway Lighting Rehabilitation North Project in the City of Rochester and Town of Irondequoit  
Committee of the Whole; March 23, 2021- CV: 28-0
- (Legislator Roman declared her interest prior to the vote.)*
21. Colby & Delehanty  
Intro. 155  
Res. 119  
28-0
- 21-0102 Authorizing Contract with Keeler Construction Co., Inc. for Construction Services and Authorizing Contract with CSX Transportation, Inc. for South Winton Road Project in the Towns of Brighton and Henrietta  
Committee of the Whole; March 23, 2021- CV: 28-0
22. Smith & Delehanty  
Intro. 156  
Res. 120  
28-0
- 21-0103 Accepting Three Grants from The CARES Act Provider Relief Fund - HHS Stimulus, COVID Infection/Mortality Rate Incentive Program Distribution to Support Safeguarding Residents from the Perils of Coronavirus Pandemic at Monroe Community Hospital  
Committee of the Whole; March 23, 2021- CV: 28-0
23. Smith & Delehanty  
Intro. 157  
Res. 121  
28-0
- 21-0104 Accepting Funding from New York State Office for the Aging and Authorization to Contract with Lifespan of Greater Rochester, Inc. for the Medicare Improvements for Patients and Providers Act  
Committee of the Whole; March 23, 2021- CV: 28-0
24. Smith & Delehanty  
Intro. 158  
Res. 122  
28-0
- 21-0105 Authorizing Contract with United Way of Greater Rochester, Inc. for the Age Friendly Livable Community Initiative for Older Adults  
Committee of the Whole; March 23, 2021- CV: 28-0
25. Smith & Delehanty  
Intro. 159  
Res. 123  
28-0
- 21-0106 Amending Resolution 418 of 2020 Authorizing Contract for Monroe County Office for the Aging Programs in 2020-2021 to Amend the Agencies Listed in Attachment A  
Committee of the Whole; March 23, 2021- CV: 28-0
26. Smith & Delehanty  
Intro. 160  
Res. 124  
28-0
- 21-0107 Authorizing Contract with UltraMobile Imaging, Inc. for COVID-19 Specimen Collection and Point of Care Testing Services for Monroe County Department of Public Health  
Committee of the Whole; March 23, 2021- CV: 28-0

27. Smith & Delehanty  
Intro. 161  
Res. 125  
28-0
- 21-0108
- Accepting Grant from University of Rochester for Pediatric Obesity Prevention Creating Breastfeeding Friendly Communities Program  
Committee of the Whole; March 23, 2021- CV: 28-0
- (Legislator Hasman declared her interest prior to the vote.)*
28. Smith & Delehanty  
Intro. 162  
Res. 126  
28-0
- 21-0109
- Accepting Grant from New York State Division of Criminal Justice Services for Paul Coverdell Forensic Science Improvement Program (Office of the Medical Examiner's Forensic Toxicology Laboratory)  
Committee of the Whole; March 23, 2021- CV: 28-0
29. Delehanty & DiFlorio  
Intro. 163  
Res. 127  
28-0
- 21-0110
- Authorizing Contract with Troy & Banks, Inc. for Cost-Recovery Audit of Utility Expenses  
Committee of the Whole; March 23, 2021- CV: 28-0
30. Delehanty & DiFlorio  
Intro. 164  
Res. 128  
28-0
- 21-0111
- Directing the Refund of Certain Monroe County Taxes Levied and Collected Against Property in the City of Rochester  
Committee of the Whole; March 23, 2021- CV: 28-0
31. Delehanty & DiFlorio  
Intro. 165  
Res. 129  
28-0
- 21-0112
- Directing Correction, Cancellation and Levy of Certain Monroe County Taxes in the Towns of Penfield, Gates, Rush and Perinton  
Committee of the Whole; March 23, 2021- CV: 28-0
32. Delehanty & DiFlorio  
Intro. 166  
Res. 130  
28-0
- 21-0113
- Authorizing Settlement of Lawsuit in the New York State Supreme Court, Monroe County Index Number: 13-10602  
Committee of the Whole; March 23, 2021- CV: 28-0
33. Allkofer & Delehanty  
Intro. 167  
Res. 131  
28-0
- 21-0114
- Accepting Donation from Carnegie Mellon University to Create an Enrichment, Cognitive Research, and Science Outreach Program at Seneca Park Zoo  
Committee of the Whole; March 23, 2021- CV: 28-0
34. Smith & Delehanty  
Intro. 168  
Res. 132  
28-0
- 21-0115
- Authorizing Contract with URMC Labs, a Division of the University of Rochester, for Laboratory Services at Monroe Community Hospital  
Committee of the Whole; March 23, 2021- CV: 28-0
- (Legislator Hasman declared her interest prior to the vote.)*
35. Smith & Delehanty  
Intro. 169  
Res. 133  
28-0
- 21-0116
- Authorizing Appropriation Transfers for COVID-19 Response Actions  
Committee of the Whole; March 23, 2021- CV: 28-0

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|--|---------|--|
| 36. Dondorfer &<br>Wilt<br>Intro. 170<br>Res. 134<br>28-0      | 21-0120 | Classification of Action and Determination of Significance Pursuant to State Environmental Quality Review Act for Sale of County Owned Tax Foreclosure Property Located at 3 Wedgewood Court in the Town of Clarkson<br>Committee of the Whole; March 23, 2021- CV: 28-0 |
| 37. Delehanty &<br>DiFlorio<br>Intro. 171<br>Res. 135<br>28-0  | 21-0121 | Authorizing Sale of County Owned Tax Foreclosure Property Located at 3 Wedgewood Court in the Town of Clarkson<br>Committee of the Whole; March 23, 2021- CV: 28-0   |
| 38. Dondorfer &<br>Delehanty<br>Intro. 172<br>Res. 136<br>28-0 | 21-0122 | Authorizing Contract with CHA Consulting, Inc. for Evaluation, Scope, Schedule, and Cost Estimation Services for the Frontier Field Major League Baseball Requirements Project   |

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**UNFINISHED BUSINESS**

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Upon Motion by Legislator Brew, the Legislature Adjourned at 6:49 P.M. until **Tuesday, May 11, 2021 at 6:00 P.M.**

**Jack Moffitt**  
Clerk of the Legislature



**ATTACHMENTS:**

Description	File Name	Type
▣ April 27, 2021	4.27.21_Draft_Journal.pdf	Backup Material

**NINTH DAY**

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**TUESDAY, APRIL 27, 2021**

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Legislature met pursuant to Special Meeting Notice

President Dr. Joe Carbone in the Chair.

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**ROLL CALL**

Present – Legislators Allkofer\*, Ancello\*, Barnhart\*, Baynes\*, Boyce\*, Brew\*, Carbone, Colby\*, Delehanty\*, DiFlorio\*, Dondorfer\*, Felder\*, Flagler-Mitchell\*, Hasman\*, Hebert\*, Keophetlasy\*, LaMar\*, Lee, Jr.\*, Maffucci\*, Marianetti\*, Morelle, Jr.\*, Roman\*, Smith\*, Taylor\*, Terp\*, Wilcox\*, Wilt\*, Yudelson\* – 28

Absent – Bauroth-1

\* Legislator Participated in the Meeting via Teleconference in Accordance with Executive Order 202.1 and 202.103, issued by Governor Andrew M. Cuomo.

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**SUSPENSION OF THE RULES**

Intro. 173  
M. 36  
28-0

Brew & DiFlorio  
Motion to Suspend the Rules of the Monroe County Legislature as follows:

PROVIDING THAT RULES OF THE MONROE COUNTY LEGISLATURE BE SUSPENDED AND MODIFIED FOR THE SPECIAL MEETING ON APRIL 27, 2021.

Be It Moved, that Article II, Section 545-6 of the Rules of the Monroe County Legislature, be, and hereby is suspended and modified by prohibiting public in-person access to the Special Meeting in favor of video viewing or listening to, and recording and later transcription of such proceeding.

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The meeting formally opened. President Carbone requested a moment of silent prayer. The Pledge of Allegiance to the Flag was led by Legislator Jackie Smith.

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**ANNOUNCEMENT**

President Carbone stated that the sole purpose of this meeting, pursuant to Section C2-9C (1) of the County Charter and Section 545-5 of the Rules of the Legislature of the County of Monroe, was to consider the items listed on the official meeting notice. The Clerk of the Legislature gave notification of this special meeting to legislators and the media pursuant to Rule 545-5 of the Rules of the Monroe County Legislature. President Carbone stated the meeting has been closed to the public and all Legislators are participating via video or teleconference in accordance with Executive Order 202.1 and 202.103. President Carbone also noted that keeping with the Legislature’s tradition of openness, the meeting is being live-streamed on YouTube through the Legislature’s official channel.

President Carbone stated that Legislature will consider a motion to recess the Special Meeting and convene a Committee of the Whole. In doing so, the Legislature will discharge those items currently referred to Committee and commit them to the Committee of the Whole.

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## PETITIONS AND COMMUNICATIONS

From the President of the Legislature – DR. JOE CARBONE

### Regarding Calling a Special Meeting of the Legislature.

Read and Print. (File No. 21-0161)

April 27, 2021

Mr. Jack Moffitt, Clerk  
Monroe County Legislature  
407 County Office Building  
Rochester, New York 14614

RE: Special Meeting of the Monroe County Legislature

Dear Mr. Moffitt:

Pursuant to the authority vested in me as President of the Legislature by Section C2-9C (1) of the County Charter and Section 545-5 of the Rules of the Monroe County Legislature, I hereby direct you to call a Special Meeting of the Legislature for Tuesday, April 27, 2021 at 5:30 p.m. in the Chambers of the Legislature, 406 County Office Building, with Legislators participating remotely via Zoom and public viewing available through a link found at [www.monroecounty.gov/legislature](http://www.monroecounty.gov/legislature).

The business to be conducted at the special meeting will be the following:

Providing that Rules of the Monroe County Legislature be Suspended and Modified for the Special Meeting on April 27, 2021;

Providing that File Nos. 21-0125, 21-0130 through 21-0156 and 21-0163 be Discharged from the Agenda/Charter, Public Safety, Planning and Economic Development, Intergovernmental Relations, Transportation, Human Services, Environment and Public Works, and Ways and Means Committees; Providing that the Legislature Convene a Committee of the Whole; Providing that File Nos. 21-0125, 21-0130 through 21-0156 and 21-0163 be Committed to the Committee of the Whole;

Enacting a Local Law Entitled, “Operation of Off-Road Vehicles on Public Highways in Monroe County” for Introductory Purposes Only;

Providing that Local Law (Intro No. \_\_\_\_ of 2021) entitled, “Operation of Off-Road Vehicles on Public Highways in Monroe County,” be Tabled;

Fixing a Public Hearing on Local Law (Intro No. \_\_\_\_ of 2021) entitled, “Operation of Off-Road Vehicles on Public Highways in Monroe County.”

Please give notice of this Special Meeting of the County Legislature to the members of the Legislature in accordance with the provisions of Section C2-9C (2) of the County Charter. Thank you for your assistance.

Sincerely,  
Dr. Joe Carbone  
Monroe County Legislature  
President

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**OTHER COUNTY OFFICIALS**

**David Grant, Deputy Clerk of the Legislature – Regarding Calling a Special Meeting of the Monroe County Legislature.**

Read and Print. (File No. 21-0162)

April 27, 2021

The Honorable  
Monroe County Legislature  
39 West Main Street  
Rochester, NY 14614

Re: Special Meeting of the Monroe County Legislature

Honorable Legislators:

At the direction of Dr. Joe Carbone, President of the Monroe County Legislature, a Special Meeting of the Monroe County Legislature is hereby called pursuant to Section C2-9(C)(1) of the Monroe County Charter and Section 545-5 of the Rules of the Legislature for Tuesday, April 27, 2021 at 5:30 p.m. in the Chambers of the Legislature, 406 County Office Building, with Legislators participating remotely via Zoom and public viewing available through a link found at [www.monroecounty.gov/legislature](http://www.monroecounty.gov/legislature).

The business to be conducted at the special meeting will be the following:

Providing that Rules of the Monroe County Legislature be Suspended and Modified for the Special Meeting on April 27, 2021;

Providing that File Nos. 21-0125, 21-0130 through 21-0156 and 21-0163 be Discharged from the Agenda/Charter, Public Safety, Planning and Economic Development, Intergovernmental Relations, Transportation, Human Services, Environment and Public Works, and Ways and Means Committees; Providing that the Legislature Convene a Committee of the Whole; Providing that File Nos. 21-0125, 21-0130 through 21-0156 and 21-0163 be Committed to the Committee of the Whole;

Enacting a Local Law Entitled, “Operation of Off-Road Vehicles on Public Highways in Monroe County” for Introductory Purposes Only;

Providing that Local Law (Intro No. \_\_\_\_ of 2021) entitled, “Operation of Off-Road Vehicles on Public Highways in Monroe County,” be Tabled;

Fixing a Public Hearing on Local Law (Intro No. \_\_\_\_ of 2021) entitled, “Operation of Off-Road Vehicles on Public Highways in Monroe County.”

Sincerely,  
David Grant  
Deputy Clerk of the Legislature

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**PUBLIC FORUM**

An Open Forum was conducted. No written comments were submitted or read, and the Open Forum concluded at 5:37 P.M.

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## MOTIONS, RESOLUTIONS AND NOTICES

1. Brew & DiFlorio  
Intro. 174  
M. 37  
28-0  
Providing that File Nos. 21-0125, 21-0130 through 21-0156 and 21-0163 be Discharged from the Agenda/Charter, Public Safety, Intergovernmental Relations, Planning and Economic Development, Transportation, Human Services, Environment and Public Works, and Ways and Means Committees; Providing that the Legislature Convene a Committee of the Whole; Providing that File Nos. 21-0125, 21-0130 through 21-0156 and 21-0163 be Committed to the Committee of the Whole.

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## RECESS

A recess was declared by President Carbone at 5:39 p.m. to allow for a meeting of the **Committee of the Whole**.

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## RECONVENING LEGISLATURE

President Carbone reconvened the recessed special meeting of April 27, 2021 and proceeded under the Usual Order of Business.

## MOTIONS, RESOLUTIONS AND NOTICES

### *Matters of Urgency*

2. Felder & Flagler-Mitchell  
Intro. 175  
Enacting a Local Law Entitled, "Operation of Off-Road Vehicles on Public Highways in Monroe County"  
*For Introductory Purposes Only*
3. Felder & Flagler-Mitchell  
Intro. 176  
M. 38  
27-1  
Providing that Local Law (Intro No. 175 of 2021) entitled, "Operation of Off-Road Vehicles on Public Highways in Monroe County", be Tabled  
  
*(Legislator Baynes Voted in the Negative)*
4. Felder & Flagler-Mitchell  
Intro. 177  
Intro. 178  
M. 39  
Fixing a Public Hearing on Local Law (Intro No. 175 of 2021) entitled, "Operation of Off-Road Vehicles on Public Highways in Monroe County"  
*Public Hearing Scheduled for Tuesday May 11, 2021 at 6:16 p.m.*  
  
Colby & Delehanty  
Motion to Move the Previous Question

### PROVIDING THAT THE QUESTION BE CALLED

Be It Moved that the question be, and hereby is called on Intro. No. 177 of 2021.

*(Legislators Barnhart, Baynes, Hasman, Maffucci, Morelle, Roman, Wilcox, and Yudelson Voted in the Negative.)*

Main Motion

*(Legislators Baynes, Barnhart, and Maffucci Voted in the Negative.)*

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## UNFINISHED BUSINESS

Upon Motion by Legislator Brew, the Legislature Adjourned at 8:23 P.M. until **Tuesday, May 11, 2021 at 6:00 P.M.**

**DAVID GRANT**

Deputy Clerk of the Legislature



**ATTACHMENTS:**

	<b>Description</b>	<b>File Name</b>	<b>Type</b>
▢	<b>March 23, 2021</b>	<b>3.23.21_Approved_Minutes.pdf</b>	<b>Backup Material</b>

Summary of Minutes  
COMMITTEE OF THE WHOLE  
March 23, 2021

President Carbone called the meeting to order at 5:32 p.m. pursuant to Motion No. 33 of 2021.

MEMBERS PRESENT: Dr. Joe Carbone (Chairman), Frank X. Allkofer\*, Fred Ancello\*, Rachel Barnhart\*, Joshua Bauroth\*, John B. Baynes\*, Steve Brew\*, Robert Colby\*, Sean M. Delehanty\*, Tracy DiFlorio\*, Paul Dondorfer\*, Ernest Flagler-Mitchell\*, Vincent R. Felder\*, Linda Hasman\*, George J. Hebert\*, Frank Keophetlasy\*, Sabrina A. LaMar\*, Calvin Lee, Jr.\*, Howard S. Maffucci\*, Brian E. Marianetti\*, Joseph D. Morelle, Jr.\*, Yversha Roman\*, Matthew Terp\*, Justin Wilcox\*, R. Edwin Wilt\*, Michael Yudelson\*

\* Legislator Participated in the Meeting via Teleconference in Accordance with Executive Order 202.1 and 202.94, issued by Governor Andrew M. Cuomo.

MEMBERS ABSENT: Jackie Smith (Excused), Kathleen A. Taylor

*(Legislator Taylor Joined the Meeting Via Teleconference at 5:39 p.m. and was Present for the Remainder of the Meeting.)*

APPROVAL OF MINUTES: The February 25, 2021 minutes were approved as submitted.

PUBLIC FORUM: There were no speakers.

NEW BUSINESS:

**21-0081 -** Enact a Local Law Entitled, "Business Closure Transparency Act," to Require Report of County Forced Business Closures – President Dr. Joe Carbone

MOVED by Legislator Brew SECONDED by Legislator Delehanty.

ADOPTED: 19-9 (*Legislators Barnhart, Bauroth, Baynes, Hasman, Maffucci, Morelle, Jr., Roman, Wilcox and Yudelson voted no*)

**21-0085 -** Authorize a Contract with CHA Consulting, Inc. for Design Services for the Runway 10-28 Obstruction Removals - Phase II Project at the Frederick Douglass Greater Rochester International Airport– County Executive Adam J. Bello

MOVED by Legislator Dondorder, SECONDED by Legislator Delehanty.

ADOPTED: 28-0

**21-0086 -** Authorize a Cooperative Agreement with the United States Department of Homeland Security, Transportation Security Administration, for Law Enforcement Personnel Reimbursement at the Frederick Douglass Greater Rochester International Airport- County Executive Adam J. Bello

MOVED by Legislator Dondorder, SECONDED by Legislator Delehanty.

ADOPTED: 28-0

- 21-0087-**        Authorize a Joint Agreement with the United States Department of the Interior for the Water Resources Investigations Project - County Executive Adam J. Bello
- MOVED by Legislator Dondorder, SECONDED by Legislator Delehanty.  
ADOPTED:    28-0
- 21-0089 -**        Amend Resolution 104 of 2019 to Increase and Extend the Contract with the Monroe County Soil and Water Conservation District- County Executive Adam J. Bello
- MOVED by Legislator Dondorder, SECONDED by Legislator Delehanty.  
ADOPTED:    28-0
- 21-0090 -**        Acceptance of a Grant from the New York State Department of Environmental Conservation for the Climate Smart Communities Project - Regional Community Rating System Strategy Project and Authorize a Contract with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C.- County Executive Adam J. Bello
- MOVED by Legislator Dondorfer, SECONDED by Legislator Delehanty.  
ADOPTED:    28-0
- 21-0091 -**        Acceptance of a Grant from the New York State Division of Criminal Justice Services for the 2020 Paul Coverdell Forensic Science Improvement Program (Monroe County Crime Lab) - County Executive Adam J. Bello
- MOVED by Legislator Dondorfer, SECONDED by Legislator Delehanty.  
ADOPTED:    28-0
- 21-0092 -**        Amending Resolution 270 of 2019 as Amended by Resolution 31 of 2020 Authorizing Contract with Securus Technologies, Inc. to Provide Telephone Calls at No Cost to Inmates of the Monroe County Jail and the Monroe Correctional Facility - County Executive Adam J. Bello
- MOVED by Legislator DiFlorio, SECONDED by Legislator Delehanty.  
ADOPTED:    28-0
- 21-0093 -**        Acceptance of a Grant from the Department of Justice Office of Juvenile Justice and Delinquency Prevention for Improving Outcomes for Justice Involved Youth with Behavioral Health Challenges- County Executive Adam J. Bello
- MOVED by Legislator Boyce, SECONDED by Legislator Delehanty.  
ADOPTED:    28-0
- 21-0094 -**        Authorize a Contract with Orion Communications, Inc. for a Scheduling Software Solution for the Sheriff's Office - County Executive Adam J. Bello
- MOVED by Legislator Boyce, SECONDED by Legislator Delehanty.  
ADOPTED:    28-0
- 21-0095 -**        Acceptance of a Grant from the New York State Division of Criminal Justice Services for the Motor Vehicle Theft and Insurance Fraud Prevention Program (Office of the Sheriff)- County Executive Adam J. Bello

**APPROVED**

- MOVED by Legislator Boyce, SECONDED by Legislator Delehanty.  
ADOPTED: 28-0
- 21-0096 - Authorize Federal Equitable Sharing Agreements with the United States Department of Justice and the United States Department of the Treasury- County Executive Adam J. Bello
- MOVED by Legislator Boyce, SECONDED by Legislator Dondorfer.  
ADOPTED: 28-0
- 21-0097 - Acceptance of a Grant from the New York State Division of Criminal Justice Services for the Motor Vehicle Theft and Insurance Fraud Prosecution Program (District Attorney's Office)- County Executive Adam J. Bello
- MOVED by Legislator Boyce, SECONDED by Legislator Delehanty.  
ADOPTED: 28-0
- 21-0098 - Acceptance of a Grant from the New York State Division of Criminal Justice Services for the Crimes Against Revenue Program- County Executive Adam J. Bello
- MOVED by Legislator Boyce, SECONDED by Legislator Delehanty.  
ADOPTED: 28-0
- 21-0099- Acceptance of a Grant from the Genesee Transportation Council for the Monroe County High Accident Location Program – County Executive Adam J. Bello
- MOVED by Legislator Colby, SECONDED by Legislator Delehanty.  
ADOPTED: 28-0
- 21-0100 - Authorize a Contract with Barton & Loguidice, D.P.C. for Engineering Services for the East River Road Project, NYS Thruway I-90 to Ward Road, in the Town of Henrietta - County Executive Adam J. Bello
- MOVED by Legislator Colby, SECONDED by Legislator Delehanty.  
ADOPTED: 28-0
- 21-0101 - Authorize a Contract with M.L. Caccamise Electric Corp. for Construction Services for the Highway Lighting Rehabilitation North Project in the City of Rochester and Town of Irondequoit- County Executive Adam J. Bello
- MOVED by Legislator Colby, SECONDED by Legislator Delehanty.  
ADOPTED: 28-0 *(Legislator Roman Declared Her Interest Prior to the Vote.)*
- 21-0102- Authorize a Contract with Keeler Construction Co., Inc. for Construction Services and Authorize a Contract with CSX Transportation, Inc. for the South Winton Road Project in the Towns of Brighton and Henrietta - County Executive Adam J. Bello
- MOVED by Legislator Colby, SECONDED by Legislator Delehanty.  
ADOPTED: 28-0
- 21-0103 - Acceptance of Three Grants from the CARES Act Provider Relief Fund - HHS Stimulus, COVID Infection/Mortality Rate Incentive Program Distribution to Support Safeguarding Residents from the Perils of the Coronavirus Pandemic at Monroe Community Hospital– County Executive Adam J. Bello

**APPROVED**

- MOVED by Legislator Hebert, SECONDED by Legislator Delehanty.  
ADOPTED: 28-0
- 21-0104 -** Acceptance of Funding from the New York State Office for the Aging and Authorization to Contract with Lifespan of Greater Rochester, Inc. for the Medicare Improvements for Patients and Providers Act- County Executive Adam J. Bello
- MOVED by Legislator Hebert, SECONDED by Legislator Delehanty.  
ADOPTED: 28-0
- 21-0105 -** Authorization to Contract with United Way of Greater Rochester, Inc. for the Age Friendly Livable Community Initiative for Older Adults - County Executive Adam J. Bello
- MOVED by Legislator Hebert, SECONDED by Legislator Delehanty.  
ADOPTED: 28-0
- 21-0106 -** Amend Resolution 418 of 2020 Authorizing Contract for Monroe County Office for the Aging Programs in 2020-2021 to Amend the Agencies Listed in Attachment A- County Executive Adam J. Bello
- MOVED by Legislator Hebert, SECONDED by Legislator Delehanty.  
ADOPTED: 28-0
- 21-0107 -** Authorize a Contract with UltraMobile Imaging, Inc. for COVID-19 Specimen Collection and Point of Care Testing Services for the Monroe County Department of Public Health- County Executive Adam J. Bello
- MOVED by Legislator Hebert, SECONDED by Legislator Delehanty.  
ADOPTED: 28-0
- 21-0108 -** Acceptance of a Grant from the University of Rochester for the Pediatric Obesity Prevention Creating Breastfeeding Friendly Communities Program- County Executive Adam J. Bello
- MOVED by Legislator Hebert, SECONDED by Legislator Delehanty.  
ADOPTED: 28-0 (*Legislator Hasman Declared Her Interest Prior to the Vote.*)
- 21-0109 -** Acceptance of a Grant from the New York State Division of Criminal Justice Services for the Paul Coverdell Forensic Science Improvement Program (Office of the Medical Examiner's Forensic Toxicology Laboratory)- County Executive Adam J. Bello
- MOVED by Legislator Hebert, SECONDED by Legislator Delehanty.  
ADOPTED: 28-0
- 21-0110 -** Authorize a Contract with Troy & Banks, Inc. for a Cost-Recovery Audit of Utility Expenses- County Executive Adam J. Bello
- MOVED by Legislator Delehanty, SECONDED by Legislator Hebert.  
ADOPTED: 28-0
- 21-0111 -** Erroneous Assessment - Refund- County Executive Adam J. Bello
- MOVED by Legislator Delehanty, SECONDED by Legislator Hebert.  
ADOPTED: 28-0

**APPROVED**

- 21-0112 - Erroneous Assessments - Corrections and Cancellations- County Executive Adam J. Bello  
MOVED by Legislator Delehanty, SECONDED by Legislator Hebert.  
ADOPTED: 28-0
- 21-0113 - Authorization to Settle a Lawsuit in the New York State Supreme Court, Monroe County Index Number: 13-10602- County Executive Adam J. Bello  
MOVED by Legislator Delehanty, SECONDED by Legislator Hebert.  
ADOPTED: 28-0
- 21-0114 - Acceptance of a Donation from Carnegie Mellon University to Create an Enrichment, Cognitive Research, and Science Outreach Program at Seneca Park Zoo- County Executive Adam J. Bello  
MOVED by Legislator Allkofer, SECONDED by Legislator Delehanty.  
ADOPTED: 28-0
- 21-0115 - Authorize a Contract with URMCLabs, a Division of the University of Rochester, for Laboratory Services at Monroe Community Hospital- County Executive Adam J. Bello  
MOVED by Legislator Hebert, SECONDED by Legislator Delehanty.  
ADOPTED: 28-0 (*Legislator Hasman Declared Her Interest Prior to the Vote.*)
- 21-0116 - Authorize Appropriation Transfers for COVID-19 Response Actions - County Executive Adam J. Bello  
MOVED by Legislator Hebert, SECONDED by Legislator Delehanty.  
ADOPTED: 28-0
- 21-0120 - Classification of Action and Determination of Significance Pursuant to the State Environmental Quality Review Act for the Sale of County Owned Tax Foreclosure Property Located at 3 Wedgewood Court in the Town of Clarkson- As a Matter of Importance- County Executive Adam J. Bello  
MOVED by Legislator Dondorfer, SECONDED by Legislator Wilt.  
ADOPTED: 28-0
- 21-0121 - Authorize the Sale of County Owned Tax Foreclosure Property Located at 3 Wedgewood Court in the Town of Clarkson - As a Matter of Importance - County Executive Adam J. Bello  
MOVED by Legislator Delehanty, SECONDED by Legislator Hebert.  
ADOPTED: 28-0
- 21-0122- Authorize a Contract with CHA Consulting, Inc. for Evacuation, Scope, Schedule, and Cost Estimation Services for the Frontier Field Major League Baseball Requirements Project -As a Matter of Importance - County Executive Adam J. Bello  
MOVED by Legislator Dondorfer, SECONDED by Legislator Delehanty.  
ADOPTED: 28-0

OTHER MATTERS

ADJOURNMENT:

There being no other matters, President Carbone adjourned the meeting at 7:47 p.m.

Respectfully Submitted,  
Jack Moffitt  
Clerk of the Legislature





**ATTACHMENTS:**

Description	File Name	Type
▢ New Referrals	Referral Nos. 21-0169 through 21-0205.pdf	Backup Material



*Monroe County Legislature*  
*Office of the President*

**DR. JOE CARBONE**  
PRESIDENT

May 10, 2021

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

<b>OFFICIAL FILE COPY</b>
No. <u>210169</u>
Not to be removed from the Office of the Legislature Of Monroe County
Committee Assignment
-L

**Subject: Confirmation of Reappointments to the Monroe Community College Board of Trustees**

Honorable Legislators:

I, Dr. Joe Carbone, President of the Monroe County Legislature, and in accordance with New York State Education Law Section 6306, Section C7-3 of the Monroe County Charter and Section 545-24(A)(2) of the Rules of the Monroe County Legislature, do hereby submit to Your Honorable Body, for your confirmation, the reappointments of Mr. Daniel M. DeLaus, Jr. and Mr. Dale Rehkopf II to the Monroe Community College Board of Trustees.

Mr. DeLaus resides at 105 Guygrace Lane, Webster, NY 14580. Mr. DeLaus's reappointed term is to be effective July 1, 2021 and will expire on June 30, 2028.

Mr. Rehkopf resides at 10 Latium Drive, Pittsford, NY 14534. Mr. Rehkopf's reappointed term is to be effective July 1, 2021 and will expire on June 30, 2028.

**The specific legislation action required is to confirm the reappointments of Mr. Daniel M. DeLaus, Jr., 105 Guygrace Lane, Webster, NY 14580, and Mr. Dale Rehkopf II, 10 Latium Drive, Pittsford, NY 14534, to the Monroe Community College Board of Trustees, in accordance with New York State Education Law Section 6306, Section C7-3 of the Monroe County Charter and Section 545-24(A)(2) of the Rules of the Monroe County Legislature to a new term effective July 1, 2021 and to expire on June 30, 2028.**

This resolution will have no impact on the revenue or expenditures of the current Monroe County Budget.

Sincerely,

Dr. Joe Carbone  
Monroe County Legislature  
President

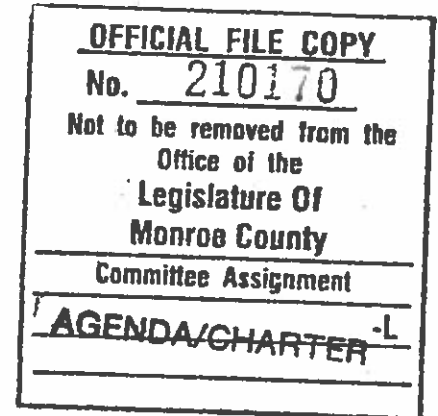
410 County Office Building • 39 West Main Street • Rochester, New York 14614  
Phone: (585) 544-3620 • Business: (585) 753-1922  
E-mail: legislatorcarbone@gmail.com



*Monroe County Legislature  
Office of the Republican Majority*

May 10, 2021

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



**Subject: Enacting a Local Law Entitled, "Junior Deer Hunter Pilot Program"**

Honorable Legislators:

Hunting in New York State is among the most popular wildlife recreational activities. According to the New York State Department of Environmental Conservation (NYSDEC), roughly 700,000 residents and over 50,000 non-residents hunt within the Empire State. With diverse and vibrant wildlife across the State, New York offers a wide range of opportunities to hunt a large variety of fauna. Monroe County is no exception to the popularity of hunting and the diverse fauna that frequent our area.

The popularity and love of hunting spans all communities, all backgrounds, and all ages. Unfortunately, for young outdoorsmen and women, the current minimum age for a junior hunter to hunt deer with a firearm or crossbow with adult supervision is fourteen (14). Fortunately, in this year's adopted New York State Budget, a provision was included enabling a junior hunting pilot program to expand further the opportunities for such outdoors people, allowing counties to opt-in to the program.

New York State Conservation Council, Inc., one of the largest and oldest conservation and sporting communities in the State, has strongly endorsed this program and called upon County Legislatures across the State to opt-in via local law. This program would provide young hunters of all types the ability to gain first-hand experience and knowledge from an experienced adult hunter, which would expand opportunities, expertise, safety, and ethics for generations to come.

This legislation is a safe, reasonable, and proper expansion of our current hunting and sporting laws. The requirements of this legislation include several necessary safety measures that will ensure the learning experience is a safe one for all involved. While this is a pilot program set to be phased out in 2023, participating in the program will allow the State and our community to collect the information necessary to consider its permanent adoption.

Several counties across the State have introduced and expressed their support behind opting into the junior hunting pilot program. While there is no deadline for counties to opt-in, resolutions must be approved by June 1 to be included within NYS DEC's Hunting and Trapping Guide for this fall or by September 1 to be included on the NYS DEC's webpage for this fall season. Adopting this legislation would provide valuable education and increase hunting safety for generations to come while

attracting even more people to Monroe County and all it has to offer. Monroe County has continuously been a leader across this State in adopting and providing new opportunities. Participating in the pilot program would again demonstrate the leadership, diversity, and resourcefulness of our community.

**The specific legislative actions required are:**

1. Schedule and hold a public hearing.
2. Adopt the local law as attached.

This is a Type II Action pursuant to 6 NYCRR 617.5(c) (26) ("routine of continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment") and is not subject to further review under the State Environmental Quality Review Act.

This action would have no net impact on the current revenue and/or expenditures of the 2021 Monroe County budget.

Respectfully Submitted,



Steve Brew  
Monroe County Legislature  
Majority Leader



Frank X. Allkofer  
Monroe County Legislator  
District 4



George J. Hebert  
Monroe County Legislator  
District 15

By Legislators \_\_\_\_\_ and \_\_\_\_\_

Intro No. \_\_\_\_\_

LOCAL LAW NO. \_\_\_\_\_ OF 2021

**ENACT A LOCAL LAW ENTITLED "JUNIOR DEER HUNTER PILOT PROGRAM"**

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. Part IV, General Local Laws of the Administrative Code and Charter of Monroe County, is hereby amended to add a new chapter to include the following Local Law:

**CHAPTER 268, JUNIOR DEER HUNTING PILOT PROGRAM**

§ 286-1. **Title.** This chapter shall be known as the law "Junior Deer Hunting Pilot Program."

§ 286-2 **Legislative Intent.** The intent of this Local Law is to authorize Monroe County to permit 12- and 13-year-old individuals to participate in the new hunting opportunities pursuant to Environment Conservation Law § 11-0935. The enacted 2021-2022 New York State Budget included a pilot program expanding the opportunity for young hunters, aged 12 and/or 13, to hunt with firearms and crossbow through 2023 if a County authorizes such participation in the pilot program within their municipality via local law. Monroe County's hunters are a large and important part of our community and this opportunity would allow adult hunters the ability to introduce and teach the proper values and ethics of hunting to the next generation. In addition, teaching such safe, proper and lawful hunting methods to young people will provide a rewarding and productive experience while providing food to families across the area and contributing to deer population control efforts.

§ 286-3 **Authorizing Pilot Program in Monroe County.** Pursuant to Section 11-0935 of the New York State Environmental Conservation Law, Monroe County hereby authorizes participation in the temporary pilot program to allow a hunting license holder who is twelve or thirteen years of age to hunt deer with a crossbow, rifle, shotgun, or muzzle-loading firearm through 2023.

§ 286-4 **Requirements.** A hunting license holder who is twelve or thirteen years of age may hunt deer with a crossbow, rifle, shotgun, or muzzle-loading firearm as provided in this chapter provided that:

- A. Such minor is accompanied by their parent or legal guardian, or by a person designated in writing by such parent or legal guardian on a form prescribed by the New York State Department of Environmental Conservation, who is twenty-one years of age or older; and
- B. Such parent, guardian or person has had at least three years' experience in hunting deer; and
  1. such parent, guardian or person holds a hunting license; and
  2. such parent, guardian or person maintains physical control over the minor at all times while hunting. For the purposes of this paragraph "physical control" shall mean that the physical proximity of such minor to the parent, guardian or person is such that the parent, guardian or person is reasonably able to issue verbal directions and instructions, maintain constant visual contact, and otherwise provide guidance and supervision to the minor; and

3. such parent, guardian or person and the minor remain at ground level at all times while hunting; and

C. Such parent, guardian or person and the minor shall each display either a minimum total of two hundred fifty square inches of solid fluorescent orange or pink or patterned fluorescent orange or pink consisting of no less than fifty percent fluorescent orange or pink material worn above the waist and visible from all directions, or a hat or cap with no less than fifty percent of the exterior consisting of solid fluorescent orange or pink material and visible from all directions.

§ 286-5 **Severability.** If any clause, sentence, paragraph, section or chapter of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such determination shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or chapter thereof directly involved in the proceeding in which such adjudication shall have been rendered. This local law shall not supersede any other state laws, rules, or regulations related to crossbow hunting.

Section 2. The Clerk of the Legislature shall notify the New York State Department of Environmental Conservation upon final adoption of this local law in accordance with Section 11-0935 of the New York State Environmental Conservation Law.

Section 3. This local law shall take effect after filing with the Secretary of State pursuant to Section 27 of New York Municipal Home Rule Law.

\_\_\_\_\_ Committee; \_\_\_\_\_ – CV: \_\_\_\_\_  
File No. 21-\_\_\_\_.LL

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF LOCAL LAW: \_\_\_\_\_

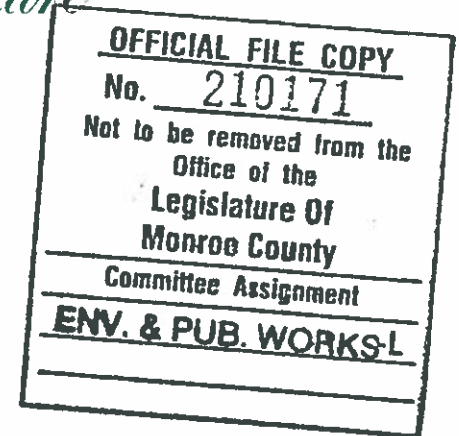


# Monroe County Legislature

**MATTHEW TERP**

LEGISLATOR - DISTRICT 8

May 10, 2021



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

**Subject: Creating a Centralized Publicly Accessible Database of Public Handicap Accessible Restrooms and Lactation Areas Throughout Monroe County**

Honorable Legislators:

In recent years, ecommerce has grown significantly as technology continues to be right at our fingertips. The convenience of having products ordered and delivered directly to our doors has only multiplied during the COVID-19 pandemic. As a result, there are more postal workers and delivery truck drivers in our neighborhoods, each fulfilling hundreds of orders every day. The diligence of these hardworking employees is appreciated, and the long hours put in by them are certainly recognized.

In a recent article by the Rochester Democrat and Chronicle, a unique problem facing delivery drivers is the inability to find and use restrooms during their extensive workday. This legislation creates an easily accessible database of the location and hours for all public restroom and lactation facilities that Monroe County operates. Monroe County has dozens of publicly accessible restrooms, lactation spaces and handicap accessible restrooms throughout the area that can be used through the day.

This database would be available online via the county website and would allow individuals to enter their current location and have the closest facilities to them provided. Additionally, lactation rooms that are operated by Monroe County would be included for mothers in need of these facilities.

Establishing this restroom/lactation facilities database is a small additional service that will assist everyone in our community when the moment you are in need of a facility arises. Whether it is during a day in the park with your family, on the job during a delivery route or while working in a ridesharing industry.

**The specific legislative actions required** is to direct the Monroe County Department of Environmental Services to develop and create a database containing the locations and hours of operation for County public restrooms and lactation areas.

The legislative action requested in this referral is not an "Action," as that term is defined in 6 NYCRR § 617.2(b) and is not subject to review under the State Environmental Quality Review Act.

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

Respectfully Submitted,

Matthew Terp  
Monroe County Legislator  
District 8

1027A Ridge Road • Webster, New York 14580  
Phone: (585) 415-5394 • Business: (585) 753-1922  
E-mail: [monroe8@monroecounty.gov](mailto:monroe8@monroecounty.gov)



# Monroe County Legislature

VINCENT R. FELDER  
DEMOCRATIC MINORITY LEADER

ERNEST FLAGLER-MITCHELL  
BLACK & ASIAN CAUCUS LEADER

May 10, 2021

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

<b>OFFICIAL FILE COPY</b>
No. <u>210172</u>
Not to be removed from the Office of the Legislature Of Monroe County
Committee Assignment
<b>HUMAN SERVICES -L</b>

**Subject: Amending the Dignified Indigent Burial Act of 2021 to increase the Maximum Qualifying Funeral Costs Threshold for the Supplemental Funeral Assistance Program**

Honorable Legislators:

In March of 2021, this Honorable Body enacted legislation increasing the Supplemental Funeral Assistance Grant for families who are without financial means to have a dignified burial for loved ones who have passed away. While this legislation was a first-step in addressing the underlying issue of indigent burials, further conversations have confirmed that the new barrier to accessing this grant is the \$6,000 cap for funeral costs.

According to the National Funeral Directors Association (NFDA), the median cost for a funeral in 2019 was \$7,640. While this Honorable Body took action to increase the funds available to these families in need, the current maximum funeral cost \$6,000 makes it difficult for families to strike a balance between an economical and dignified burial. This often resorts to families settling for other alternatives like cremation, which is often not in accordance with one’s religious beliefs. In turn, rendering the increased grant funds null if the majority of people in need of them are unable to qualify.

**The specific legislative actions required is to amend Resolution No. 67 of 2021 to insert a new section to increase the maximum total funeral cost for the Supplemental Funeral Assistance Grant to an amount not to exceed \$10,000.**

This action is a Type II Action pursuant to 6 NYCRR 617.5(c) (26) (“routine of continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment”) and is not subject to further review under the State Environmental Quality Review Act.

No additional net county support is required in the current Monroe County budget.

Respectfully Submitted,

Vincent R. Felder  
Democratic Minority Leader

Ernest Flagler-Mitchell  
Black & Asian Caucus Leader





# Monroe County Legislature

**LINDA HASMAN**  
LEGISLATURE - DISTRICT 23

LINDA HASMAN  
LEGISLATOR - DISTRICT 23  
763 HARVARD STREET  
ROCHESTER, NEW YORK 14610  
HOME: (585) 210-2467  
OFFICE: (585) 753-1940  
E-MAIL: lindamhasman@gmail.com

May 10, 2021

<b>OFFICIAL FILE COPY</b>
No. <u>210173</u>
Not to be removed from the Office of the Legislature Of Monroe County
Committee Assignment
<b>HUMAN SERVICES -L</b>
<b>WAYS &amp; MEANS</b>

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

**Subject:** Amend the 2021 Operating Budget to Transfer Appropriations from the Legislature's Community Contingency Fund to the Department of Human Services – Youth Bureau for the Crisis Nursery of Greater Rochester

Honorable Legislators:

The Crisis Nursery of Greater Rochester delivers free, temporary childcare during family emergencies to many families in our community each year. These emergencies include unexpected illness, motor vehicle accidents, unemployment, mental health episodes, unexpected death, domestic violence, legal issues, homelessness and/or unstable/unsafe housing. In addition to childcare at no cost, families and caregivers have access to a resource navigator, who can provide referrals to community resources that can deliver permanent assistance. The Crisis Nursery cares for more than 2,000 babies and children annually.

Due to the on-going pandemic, the need for services has greatly increased. Families are experiencing additional stress and trauma and are reaching out for help. The nature of a crisis means it is unplanned and the need is immediate. The children, all too often, experience anxiety and trauma because of the situation their family is experiencing.

Experienced and consistent staffing is essential to providing the best care for the children and families. These factors are vital to providing a safe and supportive space. Critical staffing means that the largest budget cost for the Crisis Nursery is for quality direct service staff. Providing nutritious food and other supplies necessary for children during their time at the Nursery is another big budget item. This proposal requests \$70,000 in total funding to support a permanent part-time position at each of the two locations, at \$35,000 each, to help fill the gaps for coverage.

The Crisis Nursery includes two facilities; one on the west side of the City of Rochester on Genesee Park Blvd and at Owen's House, located in the northeast quadrant of Rochester on

Rosewood Terrace. Both locations are within two miles of a major health care medical center. Both Crisis Nursery locations are open 24 hours a day, seven days a week, and 365 days a year and are staffed by The Center for Youth and volunteers.

This Honorable Body and the administration have a long history of collaboration with The Center for Youth and the Crisis Nursery through the Monroe County Youth Bureau. This proposal would utilize funds from the Legislature’s Community Contingency Fund to fund the salary for one (1) part-time position at Crisis Nursery-Genesee Park Blvd, and one (1) part-time position at Crisis Nursery-Owen’s House, for a total of \$70,000 or \$35,000 for each location.


**The specific legislative action required is:**


Amend the 2021 operating budget to transfer \$70,000 from the Legislature, general fund 9001, funds center 1001020000, Community Contingency Fund to the Department of Human Services – Administrative Services, Youth Bureau, general fund 9001, funds center 5601010000 for the purpose of funding two (2) part-time positions; one at Crisis Nursery-Genesee Park Blvd. and one at Crisis Nursery-Owen’s House.


The legislative action requested in this referral is not an “Action,” as that term is defined in 6 NYCRR § 617.2(b), and is not subject to review under the State Environmental Quality Review Act.


No additional net County support is required in the current Monroe County Budget.


Respectfully submitted,


  
Linda M. Hasman  
Legislator – District 23


  
Yversha Román  
Legislator – District 26


  
Joshua Bauroth  
Assistant Minority Leader

  
Howard Maffucci  
Legislator – District 10

  
Michael Yudelson  
Legislator – District 13

  
Joseph Morelle, Jr.  
Legislator – District 17

  
John B. Baynes  
Legislator – District 18

  
Rachel Barnhart  
Legislator – District 21



*Monroe County Legislature*  
*Office of the Republican Majority*

May 10, 2021

Monroe County Legislature  
406 Monroe County Office Building  
39 West Main Street  
Rochester, NY 14614

<b>OFFICIAL FILE COPY</b>	
No. <u>210174</u>	
Not to be removed from the Office of the Legislature Of Monroe County	
Committee Assignment	
<b>Memorializing Referral</b>	<b>-L</b>

**Re: Memorializing Governor Cuomo and the New York State Legislature to withdraw Senate Bill S4264A: "An Act to Amend the Environmental Conservation Law, the Executive Law, the Labor Law, the Public Authorities Law and the Tax Law, in Relation to Enacting the Climate and Community Investment Act"**

Honorable Legislators:

It is no longer a matter of debate that New York State's business climate, tax burdens, and cost of living are among the worst, if not the worst, in the nation. If the countless studies conducted on the issue are not enough, this fact was only cemented when just recently New York was announced to be losing a congressional seat due to the outmigration of residents and failure to grow as much as other, tax and business friendly states.

Senate Bill S4264A is nothing more than a continuation of these failed policies that are crippling our New York economy. Dubbed the "Gas Tax," this legislation aims to rob New Yorkers of more money from their pockets at the gas pump with excessive taxes and fees. According to a study done by the Business Council of New York State this would increase home heating costs for the average New Yorker by 26% and New York State would be pocketing 55 cents in tax on every gallon of gasoline.

The New York State Legislature and the Governor's Office need to stop prioritizing far left pet projects, most of which are poorly disguised money grabs, in an attempt to balance a \$16 Billion deficit of their own creation. The reality is the vast majority of New Yorkers are dependent on clean sustainable natural gas for their homes and businesses. Furthermore, New Yorkers, specifically in upstate, are not in a position to afford such an increase in gasoline prices, as it would be catastrophic to household budgets and business bottom lines alike, especially with electric vehicles currently not being close to long term viable options for commercial or private use.

The only thing that will improve New York State's budget outlook and decrease the tax burdens on residents and businesses alike is comprehensive fiscal reform starting in Albany, not harmful new taxation under the guise of an investment in community and climate. Therefore, we urge you to join us in calling on the New York State Senate to withdraw Senate Bill S4264A "Climate and Community Investment Act," which would only serve to exacerbate the financial burden placed on hard working New Yorkers.

Respectfully Submitted,

409 County Office Building • 39 West Main Street • Rochester, New York 14614

Phone: (585) 753-1922 • Fax: (585) 753-1960



Ed Wilt  
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



Karla F. Boyce  
Monroe County Legislator  
District 5



Fred Ancello  
Monroe County Legislator  
District 6



Brian E. Marianetti  
Monroe County Legislator  
District 7



Matthew Terp  
Monroe County Legislator  
District 8



Paul Dondorfer  
Monroe County Legislator  
District 9



Sean M. Delehanty  
Monroe County Legislator  
District 11



Steve Brew  
Monroe County Legislature  
Majority Leader



George J. Hebert  
Monroe County Legislator  
District 15



Dr. Joe Carbone  
Monroe County Legislature  
President



Kathleen A. Taylor  
Monroe County Legislator  
District 19



Robert Colby  
Monroe County Legislator  
District 20

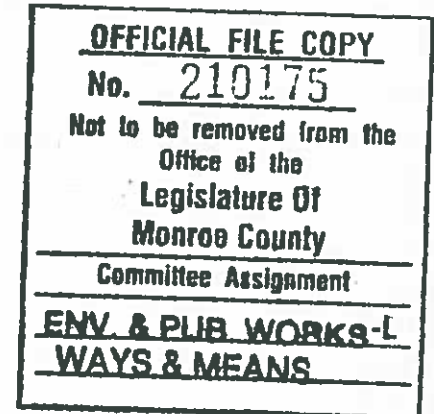


*Office of the County Executive*

Monroe County, New York

Adam J. Bello  
County Executive

May 7, 2021



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

Subject: Authorize a Contract with CHA Consulting, Inc. for an Environmental Assessment Pursuant to the National Environmental Policy Act for Obstruction Removal for Runway 4 at the Frederick Douglass-Greater Rochester International Airport

Honorable Legislators:

I recommend that Your Honorable Body authorize a contract with CHA Consulting, Inc. in the amount of \$210,000 for an Environmental Assessment pursuant to the National Environmental Policy Act ("NEPA") for Obstruction Removal for Runway 4 at the Frederick Douglass-Greater Rochester International Airport.

This project provides the framework for managing obstructions on properties not owned by the Airport. These obstructions were identified in a previous study performed as required by the Federal Aviation Administration. Data to be collected relates to wetlands, hazardous materials, property ownership, and other items that are a part of the NEPA Environmental Assessment.

This project will be funded by a Federal Aviation Administration grant of 90%, a New York State Department of Transportation grant of 5%, and a local share of 5%.

The Department of Aviation recommends authorization of a contract with CHA Consulting, Inc., a designated airport consultant per Resolution 320 of 2020, to provide consultant services for an Environmental Assessment for Obstruction Removal in the amount of \$210,000.

**The specific legislative action required is to authorize the County Executive, or his designee, to execute a contract with CHA Consulting, Inc., 16 Main Street West, Suite 830, Rochester, New York 14614, for an Environmental Assessment pursuant to the National Environmental Policy Act for Obstruction Removal for Runway 4 at the Frederick Douglass-Greater Rochester International Airport in the amount of \$210,000, along with any amendments necessary to complete the project within the total capital fund(s) appropriation.**

This action is a Type II Action pursuant to 6 NYCRR Section 617.5 (c)(27) ("conducting concurrent environmental and feasibility studies necessary to the formulation of a future proposal for action, provided that these 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.

110 County Office Building • 39 West Main Street • Rochester, New York 14614

(585) 753-1000 • fax: (585) 753-1014 • [www.monroecounty.gov](http://www.monroecounty.gov) • e-mail: [countyexecutive@monroecounty.gov](mailto:countyexecutive@monroecounty.gov)

Funding for this contract, consistent with authorized uses, is included in capital fund 1736 and any capital fund(s) created for the same intended purpose. The local funding for this project will ultimately be provided by the Monroe County Airport Authority from Airport generated revenues. No net County support is required in the current Monroe County budget.

The records in the Office of the Monroe County Treasury have indicated that neither CHA Consulting, Inc. nor any of its principal officers owe any delinquent Monroe County property taxes. The principal officers of the firm are:

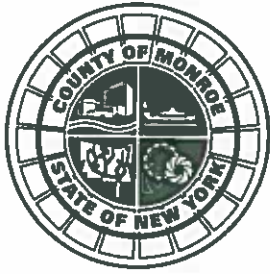
James Stephenson, CEO-CHA Holdings, Inc., President – CHA Consulting, Inc.  
Michael Carroll, Chairman of the Board  
Dom Bernardo, Executive Vice President, Chief Financial Officer  
Michael Platt, Executive Vice President, General Counsel

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

Sincerely,



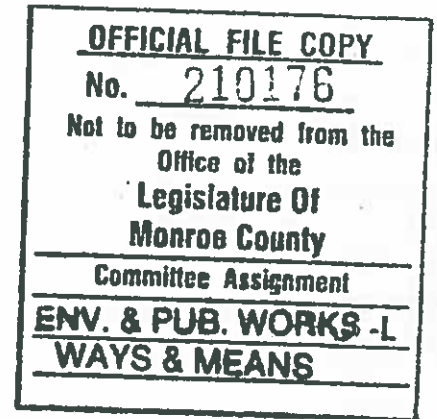
Adam J. Bello  
Monroe County Executive



Office of the County Executive

Monroe County, New York

Adam J. Bello
County Executive



May 7, 2021

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

Subject: Acceptance of a Municipal Waste Reduction and Recycling Grant-In-Aid from the New York State Department of Environmental Conservation for a Municipal Waste Reduction and/or Recycling Project

Honorable Legislators:

I recommend that Your Honorable Body accept a Municipal Waste Reduction and Recycling Grant-In-Aid from the New York State Department of Environmental Conservation in the amount of \$87,348.01 for a Municipal Waste Reduction and/or Recycling Project for the period of January 1, 2021 through December 31, 2021.

The State of New York's Municipal Waste Reduction and Recycling Assistance Program is available to counties and provides up to a 50 percent match of eligible costs for recycling planning, education, and promotion, including costs of local recycling coordinator salaries. The County has previously been awarded funding through this program with the most recent grant award authorized with Resolution 60 of 2020. This new grant will provide financial assistance for recycling salaries and public education expenses for the year 2021.

The specific legislative action required is to authorize the County Executive, or his designee, to accept a \$87,348.01 Municipal Waste Reduction and Recycling Grant-In-Aid from, and execute a contract and any amendments thereto with, the New York State Department of Environmental Conservation for a Municipal Waste Reduction and/or Recycling Project for the period of January 1, 2021 through December 31, 2021.

This action is a Type II Action pursuant to 6 NYCRR § 617.5(c)(26) ("routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment") and is not subject to further review under the State Environmental Quality Review Act.

This grant requires a 50% local match. This match funding, as well as the grant funding for this program, is included in the 2021 operating budget of the Department of Environmental Services, solid waste fund 9009, funds center 8201010000 Solid Waste Administration. No additional net County support is required in 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,
[Signature]
Adam J. Bello
Monroe County Executive

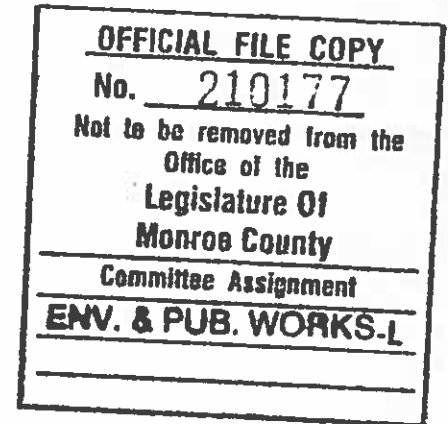


*Office of the County Executive*

Monroe County, New York

Adam J. Bello  
County Executive

May 7, 2021



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 Specialized Secure Detention Facility Project, Phase Two

Honorable Legislators:

I recommend that Your Honorable Body determine whether the Specialized Secure Detention Facility Project, Phase Two (the "Project") may have a significant adverse impact on the environment pursuant to the State Environmental Quality Review Act ("SEQRA").

The Project involves construction of new housing units to optimize accommodations for the fluctuating number of mixed populations of male and female Adolescent Offenders, Juvenile Offenders, and Juvenile Delinquents, and expanding and modernizing the program space necessary for education, health care, counselling, security, administration, food service, and recreation so that proper sight and sound separation is achieved for the mixed populations of male and female Adolescent Offenders, Juvenile Offenders, and Juvenile Delinquents.

The 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 the Project is an Unlisted action.
2. Make a determination of significance regarding the Project pursuant to 6 NYCRR § 617.7.

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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 determination 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

AJB:db

## 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.

<b>Part 1 - Project and Sponsor Information</b>			
Name of Action or Project: Children's Detention Center Modification and Expansion			
Project Location (describe, and attach a location map): 400 Rush Scottsville Road in the Town of Rush, Monroe County			
Brief Description of Proposed Action: The Children's Detention Center was relocated in early 2014 from Westfall Road in Rochester to the current site in Rush. An environmental review was conducted at that time and a Negative Declaration was issued by the County on December 18, 2013. Subsequent Memorandums To File was issued by Monroe County staff on 04/16/14 and 05/22/18. These Memorandum described modifications to the original plans for the facility. The conclusion was that the modifications were "consistent with the scope of work considered in the environmental review" and that no further environmental review was required. Modifications from the 2018 conceptual plans are now proposed in response to the "Raise The Age" program initiated by the State of New York. These modifications include a proposed approximately 45,050 square foot addition and interior renovations to approximately 3,560 square feet in Building 67. There may be some further improvements to Building 68 to maintain functionality while the new addition is constructed. The purpose of this project is to provide 34 SSD beds and associated program space.			
Name of Applicant or Sponsor: Monroe County		Telephone: (585) 753-7541	
		E-Mail: seanmurphy@monroecounty.gov	
Address: 39 West Main Street			
City/PO: Rochester		State: New York	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 governmental Agency? If Yes, list agency(s) name and permit or approval: NYS Office of Children and Family Services-Approval of plans and funding			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		53.6 acres	
b. Total acreage to be physically disturbed?		5 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		53.6 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other (specify): Institutional			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?  b. Consistent with the adopted comprehensive plan?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <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 <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?  b. Are public transportation service(s) available at or near the site of the proposed action?  c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO <input checked="" type="checkbox"/>	YES <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: _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?  If No, describe method for providing potable water: _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?  If No, describe method for providing wastewater treatment: _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area?	NO <input checked="" type="checkbox"/>	YES <input 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? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
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 checked="" type="checkbox"/> Forest <input checked="" type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input 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 <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES  b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <b>Stormwater runoff is contained within the existing 50+ acre site. Increased runoff from the proposed addition will be conveyed into the existing drainage system.</b>	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?          If Yes, explain purpose and size: _____          _____          _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>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: _____          _____          _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>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: _____          _____          _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p><b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p> <p>Applicant/sponsor name: <u>Monroe County</u> Date: <u>09-April-2021</u></p> <p>Signature: <u><i>[Handwritten Signature]</i></u></p>		

**PRINT FORM**

**Disclaimer:** The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

Map contributors: Garmin, USGS, Intermop, INCREMENT, EPC, NRC, Cap, Esri, Japan, METI, Esri, China (Hong Kong), Esri, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

- Part 1 / Question 7 [Critical Environmental Area] No
- Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites] No
- Part 1 / Question 12b [Archeological Sites] Yes
- Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies] Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
- Part 1 / Question 15 [Threatened or Endangered Animal] No
- Part 1 / Question 16 [100 Year Flood Plain] No
- Part 1 / Question 20 [Remediation Site] No

Project:

Date:

**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:		
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**

Project: \_\_\_\_\_  
 Date: \_\_\_\_\_

**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.

New modifications are proposed to the existing Children's Detention Center in response to the "Raise The Age" program initiated by the State of New York. Modifications include a proposed approximately 45,050 square foot addition and interior renovations to approximately 3,560 square feet at Building 67. There may be some minor improvements to Building 68 to maintain functionality while the new addition is constructed. Once the project is completed it is expected that Building 68 will only be used in case of occupancy overflow conditions. There will also be modifications to the existing fence, construction of a new entrance and 6 car visitor parking lot. The purpose of this project is to reconfigure the existing space and provide 34 SSD-rated beds with programmatic space.

The site appears to be within an archaeologically sensitive area according to information from the New York State Historic Preservation Office. There will be minimal ground disturbance for the construction of the new addition, a small area of fencing and the reconfigured entrance within the existing site. These areas have been significantly disturbed in the past for the construction of the original buildings and the soccer/recreational areas. It is anticipated that there will be no significant impact to archaeological resources. Part 1 of the environmental assessment form (EAF) also indicates that there may be wetlands or waterbodies present on site. The proposed activities on site are not within or adjacent to any wetland, adjacent or waterbody. The proposed project only impacts about 1.5 acres of a 53.6 acre parcel. All improvements are inside the existing fenced areas that are either currently gravel roadway or manicured grass. The project will not impact any areas that may contain threatened or endangered species. Traffic from the proposed project is expected to be very similar to the conditions resulting from the previous use.

This proposal results in a minor expansion of the existing use. The net increase after considering the removal of operations from Building 68 will be minimal. There is not expected to be any significant increase in traffic or any other potential impact from this project. Based on information contained in this EAF, as well as supporting documentation contained at the Department of Environmental Services, Monroe County has determined that there will not be any significant adverse environmental impact associated with this proposal.

- 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.
- 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
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer) <span style="float: right;">09-April-2021</span>

**PRINT FORM**

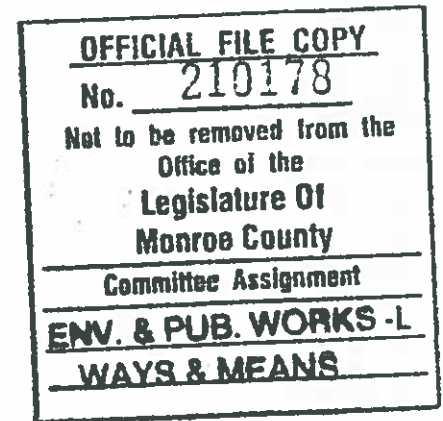


# Office of the County Executive

Monroe County, New York

Adam J. Bello  
County Executive

May 7, 2021



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

Subject: Amend the 2021 Capital Budget and Bond Resolution 189 of 2018 to Provide an Increase in Funding for the Specialized Secure Detention Facility Project and Authorize Contracts with the Dormitory Authority of the State of New York

Honorable Legislators:

I recommend that Your Honorable Body amend the 2021 Capital Budget and Bond Resolution 189 of 2018 to provide an increase in funding for the Specialized Secure Detention Facility project and authorize contracts with the Dormitory Authority of the State of New York.

Your Honorable Body, through Bond Resolution 189 of 2018, authorized financing for the Specialized Secure Detention project at the Children's Detention Center ("CDC"). This project includes the design and construction of new facilities as required by New York State's Raise the Age initiative. Phase One involved reconstruction of a portion of Building 67 at the CDC to establish ten initial beds for Adolescent Offenders. Phase Two of the project will involve construction of new housing units to optimize accommodations for the fluctuating number of mixed populations of male and female Adolescent Offenders, Juvenile Offenders, and Juvenile Delinquents, and expanding and modernizing the program space necessary for education, health care, counselling, security, administration, food service, and recreation so that proper sight-and-sound separation is achieved for the mixed populations of male and female Adolescent Offenders, Juvenile Offenders, and Juvenile Delinquents.

The Departments of Human Services, Finance, and Environmental Services have met several times with stakeholders from New York State to review the conceptual plans for Phase Two, including local and regional population projections, facility configuration, program space, opinions of probable cost, and cost allocations. As a result of those discussions, costs for the design and construction of the new facility's various components will be reimbursed by New York State at different rates depending on their function to serve the mixed populations housed. The County is interested in funding this project through the Dormitory Authority of the State of New York. The Departments of Human Services and Finance are continuing discussions with New York State to achieve the most favorable financing and cost sharing opportunities for Monroe County.

**The specific legislative actions required are:**

1. Amend the 2021 Capital Budget to increase funding for the Specialized Secure Detention Facility project in the amount of \$14,900,000 from \$0 to \$14,900,000, for a total project authorization of \$36,600,000.
2. Amend Bond Resolution 189 of 2018 to increase financing for the Specialized Secure Detention Facility project, capital fund 1894, in the amount of \$14,900,000 from \$21,700,000 to \$36,600,000, for a total project authorization of \$36,600,000.

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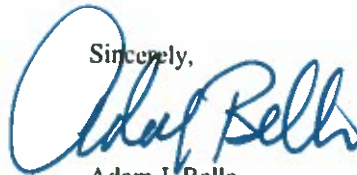
3. Authorize the County Executive, or his designee, to execute contracts with the Dormitory Authority of the State of New York for various design, construction, and financing services and to purchase furniture, fixtures, and equipment for the Specialized Secure Detention Facility project, and any amendments necessary to complete the project within the total capital fund(s) appropriation.

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 project, consistent with authorized uses, will be available in capital fund 1894 once the additional financing authorization requested herein is approved and in any capital fund(s) created for the same intended purpose. No additional net County support is required in the current Monroe County budget.

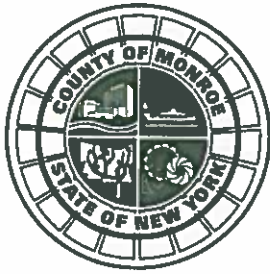
I recommend that this matter be referred to the appropriate committee(s) for favorable action by Your Honorable Body.

Sincerely,



Adam J. Bello  
Monroe County Executive

AJB:db

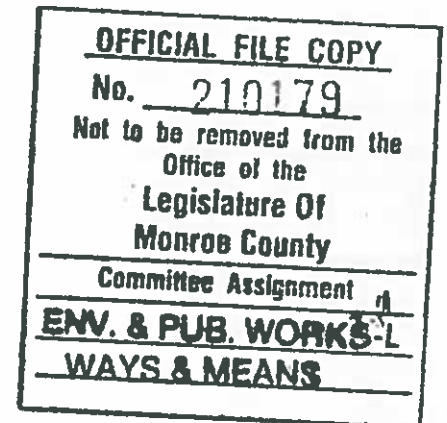


# Office of the County Executive

Monroe County, New York

Adam J. Bello  
County Executive

May 7, 2021



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

**Subject:** Amend the 2021-2026 Capital Improvement Program and the 2021 Capital Budget to Add a Project Entitled "Iola Combined Heat and Power Plant Improvements" and Authorize Financing for the Project; and Amend Bond Resolution 306 of 2019 to Provide a Decrease in Funding for the Project Entitled "Monroe Community Hospital Physical Plant"

Honorable Legislators:

I recommend that Your Honorable Body amend the 2021-2026 Capital Improvement Program and the 2021 Capital Budget to add a project entitled "Iola Combined Heat and Power Plant Improvements" in the amount of \$5,500,000 and authorize financing for the project in the amount of \$5,500,000; and amend Bond Resolution 306 of 2019 to decrease funding for the project entitled "Monroe Community Hospital Physical Plant" by the amount of \$5,750,000 for a total authorization of \$2,250,000.

The Monroe Community Hospital ("MCH") campus currently utilizes steam from the Iola cogeneration plant constructed in 2002 for heating and cooling. A New York State Energy Research and Development Authority energy study was completed in 2015 to evaluate alternatives for providing electricity and steam to MCH. The MCH Physical Plant Project and establishment of capital fund 1926 was created to fund the preferred alternate of relocating the boiler plant from Iola to MCH.

The Department of Environmental Services ("DES") has completed further engineering assessments and a schematic design for a new Physical Plant proposed for the MCH Campus. Based on a number of technical and functional considerations, the cost of a new Physical Plant at MCH exceeds that which was estimated in 2015. DES has conducted further engineering and operational assessments on the existing Iola plant and has determined that this plant can continue to provide reliable utility services to MCH, with work to be completed under the proposed Iola Combined Heat and Power Plant Improvements Project (e.g. rehabilitate utility tunnel under East Henrietta Road, hardening of electrical switchgear room, and other electrical and mechanical improvements). Because capital fund 1926 was established for new facilities at MCH, and the proposed improvements are to the existing Iola plant, a new capital fund needs to be created and the authorization for the existing capital fund needs to be decreased.

This project is scheduled to be considered by the Monroe County Planning Board on May 27, 2021.

**The specific legislative actions required are:**

1. Amend the 2021-2026 Capital Improvement Program to add a project entitled "Iola Combined Heat and Power Plant Improvements" in the amount of \$5,500,000.

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2. Amend the 2021 Capital Budget to add a project entitled "Iola Combined Heat and Power Plant Improvements" in the amount of \$5,500,000.
3. Authorize financing for the project entitled "Iola Combined Heat and Power Plant Improvements" in the amount of \$5,500,000.
4. Amend Bond Resolution 306 of 2019 to decrease capital fund 1926 by \$5,750,000 for a total authorization of \$2,250,000.

This action is a Type II Action pursuant to 6 NYCRR §617.5(c)(1) ("maintenance or repair involving no substantial changes in an existing structure or facility") and (2) ("replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part") and is not subject to further review under the State Environmental Quality Review Act.

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

AJB:db



# Office of the County Executive

Monroe County, New York

Adam J. Bello  
County Executive

May 7, 2021

<b>OFFICIAL FILE COPY</b>
No. <u>210180</u>
Not to be removed from the Office of the Legislature Of Monroe County
Committee Assignment
<b>ENV. &amp; PUB. WORKS .L</b>

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 Increase and Improvement of Facilities in the Rochester Pure Waters District – Frank E. Van Lare Wastewater Treatment Plant Electrical System Improvements

Honorable Legislators:

I recommend that Your Honorable Body determine whether the Increase and Improvement of Facilities in the Rochester Pure Waters District – Frank E. Van Lare Wastewater Treatment Plant Electrical System Improvements (the "Action") may have a significant adverse impact on the environment pursuant to the State Environmental Quality Review Act ("SEQRA").

The Action has been preliminary 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 the Action is an Unlisted action.
2. Make a determination of significance regarding the Action 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 determination 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

110 County Office Building • 39 West Main Street • Rochester, New York 14614

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## 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.

<b>Part 1 – Project and Sponsor Information</b>			
Monroe County Department of Environmental Services			
Name of Action or Project:			
FEV WRRF Electrical Substation Improvements			
Project Location (describe, and attach a location map):			
1574 Lake Shore Boulevard, Rochester, New York, 14617			
Brief Description of Proposed Action:			
See attached Site Plan. MCDDES is constructing an approximately 9,000 sf. new electrical building at Frank E. Van Lare Water Resource Recovery Facility to replace the existing electrical substation. The project also includes an underground electrical vault, as well as two pad mounted exterior transformers located adjacent to the proposed electrical building.			
Name of Applicant or Sponsor:		Telephone: (585) 753-7546	
Bruce Andrew Fraser, P.E.		E-Mail: andyfraser@monroecounty.gov	
Address:			
50 W. Main St. Suite 7100			
City/PO:		State:	Zip Code:
Rochester		New York	14614-1228
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?		108 acres	
b. Total acreage to be physically disturbed?		1.2 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		108 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 checked="" type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input checked="" type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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?	NO	YES	
Name Not named, Reason Environmentally sensitive, Agency: Rochester, City of, Date: 3-14-86 If Yes, identify: _____	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	
	<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 type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies:			
Proposed Electrical Building will meet current New York State Energy Code.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____			
The proposed Electrical Building will not be serviced by public/private water.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____			
The proposed Electrical Building will not have any wastewater connections as the proposed Electrical Building is not serviced by public/private water.	<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"/>	<input 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 type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____			
_____			
_____			

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 type="checkbox"/>	<input checked="" type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>
If Yes, briefly describe:		
Storm water discharges from proposed Electrical Building will be directed to existing established conveyance system along the west side of the project area.		
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)?	NO	YES
If Yes, explain the purpose and size of the impoundment:	<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?	NO	YES
If Yes, describe:	<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?	NO	YES
If Yes, describe:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor/name: <u>B. Andrew Fraser</u> Date: <u>4/23/2021</u>		
Signature: <u></u> Title: <u>Associate Engineer</u>		

**PRINT FORM**

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Gamrin, USGS, Intermap, INCREMENTP, NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Part 1 / Question 7 [Critical Environmental Area]	Yes
Part 1 / Question 7 [Critical Environmental Area - Identify]	Name:Not named, Reason:Environmentally sensitive, Agency:Rochester, City of, Date:3-14-86
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	Yes
Part 1 / Question 20 [Remediation Site]	No





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ARCADIS OF NEW YORK, INC.

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DO NOT USE FOR  
CONSTRUCTION

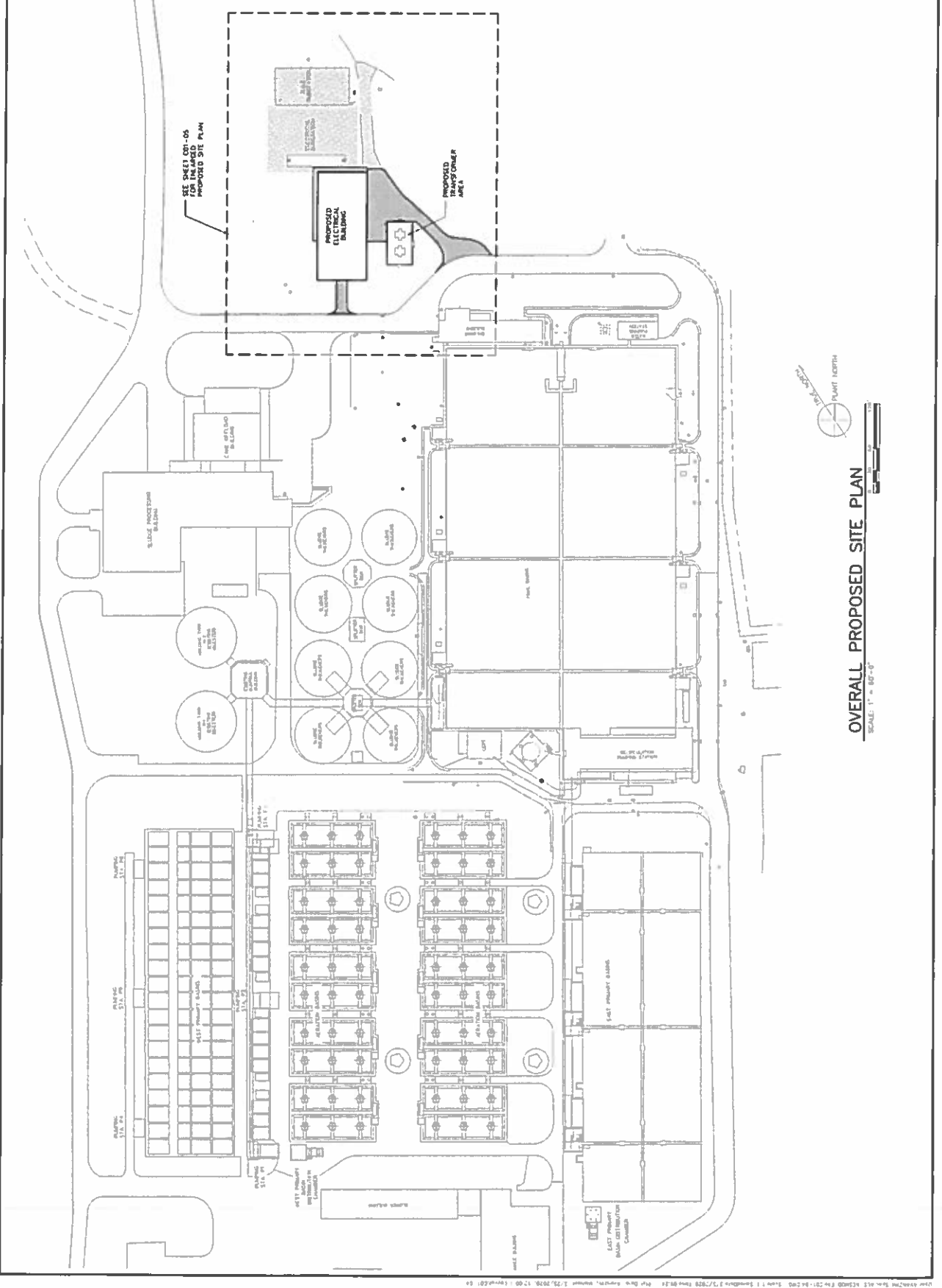
MONROE COUNTY, NEW YORK  
DEPARTMENT OF  
ENVIRONMENTAL  
SERVICES

FRANK E. VAN LARE  
WRRF ELECTRICAL  
SYSTEM  
IMPROVEMENTS

ARCADIS PROJECT NO. 0023182.0001  
DATE: MARCH 2020  
PROJECT NO: 0023182.0001  
FILE NAME: 001-04  
DESIGNED BY: C. AILEY  
DRAWN BY: M. JAMALIN  
CHECKED BY: M. CIJIALI  
SHEET TITLE: CIVIL

OVERALL PROPOSED  
SITE PLAN

SCALE: AS SHOWN  
SHEET 14 OF 108  
C01-04



90% SUBMITTAL  
DO NOT USE FOR  
CONSTRUCTION

MONROE COUNTY, NEW YORK  
MONROE COUNTY  
DEPARTMENT OF  
ENVIRONMENTAL  
SERVICES

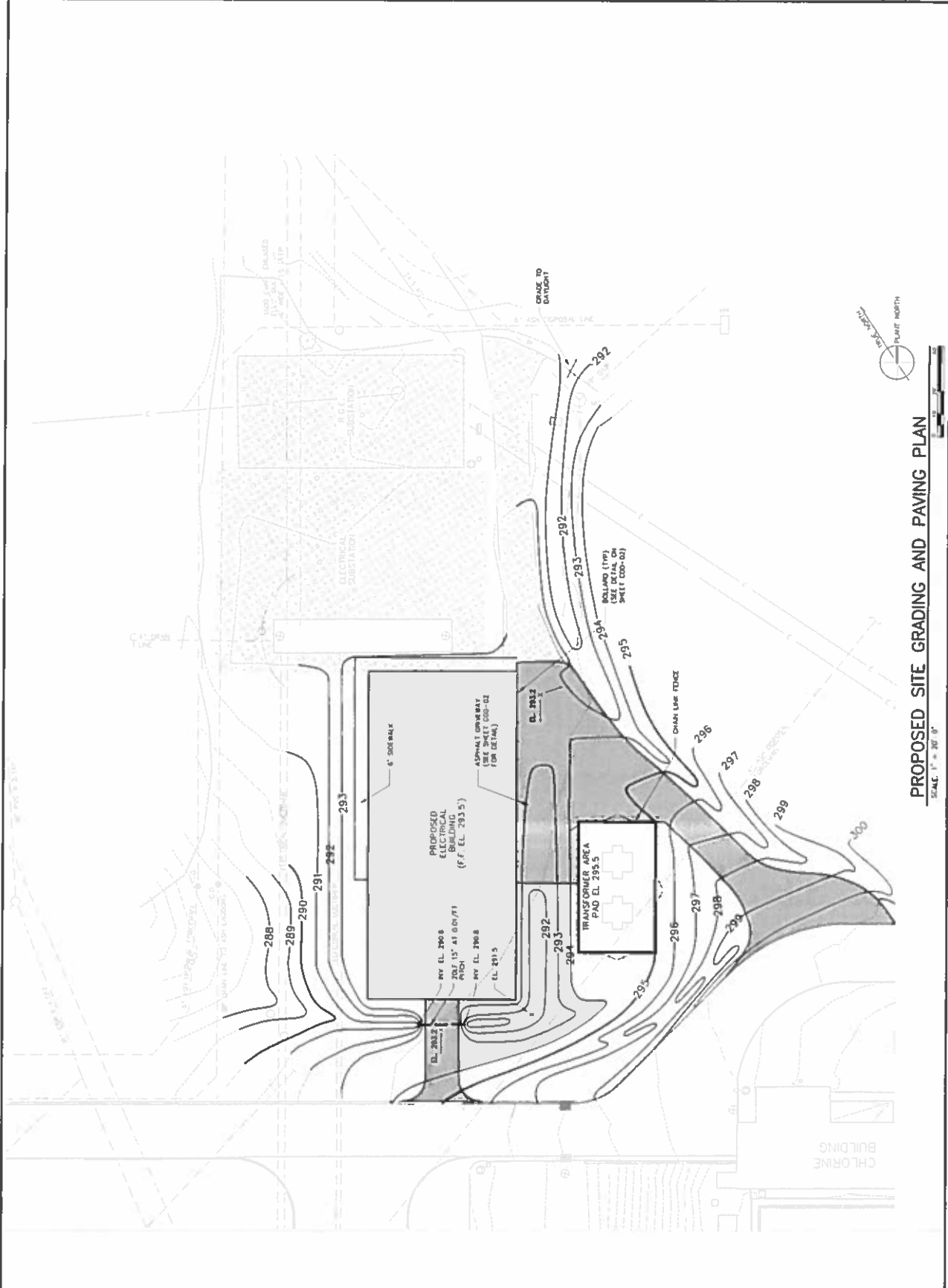
**FRANK E. VAN LARE  
WRRF ELECTRICAL  
SYSTEM  
IMPROVEMENTS**

NO.	DATE	ISSUED FOR	BY

DATE:	MARCH 2020
PROJECT NO.:	00314800001
FILE NAME:	00314800001
DESIGNED BY:	C. ALEKH
DRAWN BY:	M. JAMZINI
CHECKED BY:	M. OTOMA

**PROPOSED SITE  
GRADING AND PAVING  
PLAN**

**C01-05**  
SHEET 13 OF 108



**PROPOSED SITE GRADING AND PAVING PLAN**  
SCALE: 1" = 30' 0"

Project:

Date:

**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:		
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"/>

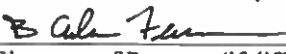
**PRINT FORM**

Project: Date: 

### **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.

MCDES is constructing a new electrical building at Frank E. Van Lare Water Resource Recovery Facility to replace the existing electrical substation. The project also includes an underground electrical vault, as well as two pad mounted exterior transformers located adjacent to the proposed electrical building. Constructing new electrical building, approximately 9,000 sf. The proposed electrical building will be constructed over existing buried electrical utilities to easily connect existing cabling to the new electrical equipment. This will also minimize any ground disturbance. The proposed Electrical Building will not be serviced by public/private water. The proposed Electrical Building will not have any wastewater connections as the proposed Electrical Building is not serviced by public/private water.

<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 <small>Name of Lead Agency</small>	4/23/2021 <small>Date</small>
Adam J. Bello <small>Print or Type Name of Responsible Officer in Lead Agency</small>	<small>Title of Responsible Officer</small>
<small>Signature of Responsible Officer in Lead Agency</small>	 <small>Signature of Preparer (if different from Responsible Officer)</small>

**PRINT FORM**



# Office of the County Executive

Monroe County, New York

Adam J. Bello  
County Executive

May 7, 2021

<b>OFFICIAL FILE COPY</b>
No. <u>210181</u>
Not to be removed from the Office of the Legislature Of Monroe County
Committee Assignment
<b>ENV. &amp; PUB. WORKS -L</b>
<b>WAYS &amp; MEANS</b>

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

Subject: Increase and Improvement of Facilities in the Rochester Pure Waters District - Frank E. Van Lare Wastewater Treatment Plant Electrical System Improvements, and Amend the 2021 Capital Budget and Bond Resolution 280 of 2019 to Provide an Increase in Funding

Honorable Legislators:

I recommend that Your Honorable Body approve a request to establish an Increase and Improvement of Facilities in the Rochester Pure Waters District ("District") in the amount of \$4,500,000 consisting of the "Frank E. Van Lare Wastewater Treatment Plant Electrical System Improvements" project, and amend the 2021 Capital Budget and Bond Resolution 280 of 2019 to provide an increase in funding.

The total Increase and Improvement of Facilities in the District is necessary to provide additional funding for continuation of the "Frank E. Van Lare Wastewater Treatment Plant Electrical System Improvements" project (capital fund 1927). Improvements are required to improve the reliability and resiliency of the Frank E. Van Lare Wastewater Treatment Plant electrical system. Anticipated upgrades include phased repair and replacement of the plant's primary electrical system building, breakers, switches, transformers, switchgear, and busses, along with distribution cabling to major plant processes.

The estimated cost increase resulted from various unforeseen conditions uncovered during the design phase of the project. Petroleum impacted soils were encountered during design. These soils will be properly handled and disposed of during construction. Poor soil conditions were also discovered which greatly impacts the cost of the building foundations. Site inspections uncovered additional cabling at the end of its useful life that was not originally anticipated. The project was originally scheduled to bid in the spring of 2020. The change in bid schedule has impacted the cost of materials anticipated for the project. Additional Rochester Gas & Electric coordination is also required as the existing exterior substation equipment will be moved inside the substation to improve the reliability and protection of the electrical equipment.

The estimated cost of the improvements is \$21,000,000, with \$16,500,000 previously approved. The actual debt service obligation for the additional cost of the project, \$4,500,000, as projected in future years, could potentially result in an increase of \$1.76 to the future annual charges of the average District ratepayer. However, the actual impact is typically reduced through retirement of previous debt and other offsets to the District's capital charge levy. Based on an average water consumption of 60,000 gallons, the total annual charge for both operation & maintenance and capital to the typical District ratepayer in 2021 is \$235.70.

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Portions of the project may become eligible for financing through the New York State Water Pollution Control Revolving Loan Fund. It is therefore requested that the County have the ability to submit applications and take any necessary steps to utilize this financing vehicle if it becomes available.


**The specific legislative actions required are:**

1. Hold a Public Hearing for the proposed maximum amount to be expended for an "Increase and Improvement of Facilities in the Rochester Pure Waters District."
2. Following the Public Hearing, adopt a resolution approving the "Increase and Improvement of Facilities in the Rochester Pure Waters District" at the maximum amount to be expended.
3. Amend the 2021 Capital Budget to increase funding for the "Frank E. Van Lare Wastewater Treatment Plant Electrical System Improvements" project by \$4,500,000, from \$16,500,000 to \$21,000,000, for a total authorization of \$21,000,000.
4. Amend Bond Resolution 280 of 2019 to increase the total estimated project cost and financing for the "Frank E. Van Lare Wastewater Treatment Plant Electrical System Improvements" project, capital fund 1927, by \$4,500,000, from \$16,500,000 to \$21,000,000, for a total project authorization of \$21,000,000, subject to the approval of the State Comptroller, if required.
5. Authorize filing of applications and execution of Project Financing Agreements and any other necessary documents by the County Executive or the Director of Finance- Chief Financial Officer, as appropriate, for participation in the New York State Water Pollution Control Revolving Loan Fund under the applicable laws of New York State to finance all or a portion of the project.

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 project, consistent with authorized uses, will be available in capital fund 1927 once the additional financing authorization requested herein is approved and in any other capital fund(s) created for the same intended purpose. The local funding for this project will ultimately be provided by pure waters district user fees. No additional net County support is required in 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 Bello  
Monroe County Executive

AJB:db

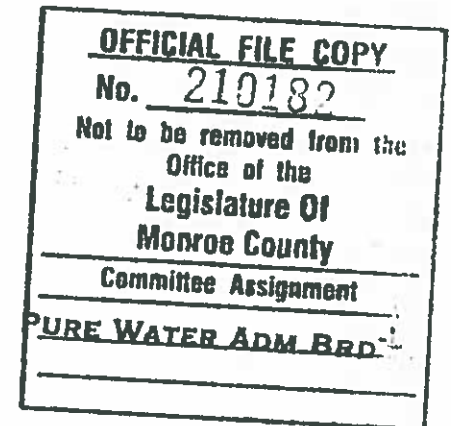


# Office of the County Executive

Monroe County, New York

Adam J. Bello  
County Executive

May 7, 2021



To The Administrative Board of the  
Rochester Pure Waters District  
407 County Office Building  
Rochester, New York 14614

Subject: Increase and Improvement of Facilities in the Rochester Pure Waters District - Frank E. Van Lare Wastewater Treatment Plant Electrical System Improvements, and Amend the 2021 Capital Budget and Bond Resolution 280 of 2019 to Provide an Increase in Funding

Honorable Legislators:

I recommend that the Administrative Board of the Rochester Pure Waters District approve a request to establish an Increase and Improvement of Facilities in the Rochester Pure Waters District ("District") in the amount of \$4,500,000 consisting of the "Frank E. Van Lare Wastewater Treatment Plant Electrical System Improvements" project, and amend the 2021 Capital Budget and Bond Resolution 280 of 2019 to provide an increase in funding.

The total Increase and Improvement of Facilities in the District is necessary to provide additional funding for continuation of the "Frank E. Van Lare Wastewater Treatment Plant Electrical System Improvements" project (capital fund 1927). Improvements are required to improve the reliability and resiliency of the Frank E. Van Lare Wastewater Treatment Plant electrical system. Anticipated upgrades include phased repair and replacement of the plant's primary electrical system building, breakers, switches, transformers, switchgear, and busses, along with distribution cabling to major plant processes.

The estimated cost increase resulted from various unforeseen conditions uncovered during the design phase of the project. Petroleum impacted soils were encountered during design. These soils will be properly handled and disposed of during construction. Poor soil conditions were also discovered which greatly impacts the cost of the building foundations. Site inspections uncovered additional cabling at the end of its useful life that was not originally anticipated. The project was originally scheduled to bid in the spring of 2020. The change in bid schedule has impacted the cost of materials anticipated for the project. Additional Rochester Gas & Electric coordination is also required as the existing exterior substation equipment will be moved inside the substation to improve the reliability and protection of the electrical equipment.

The estimated cost of the improvements is \$21,000,000 with \$16,500,000 previously approved. The actual debt service obligation for the additional cost of the project, \$4,500,000, as projected in future years, could potentially result in an increase of \$1.76 to the future annual charges of the average District ratepayer. However, the actual impact is typically reduced through retirement of previous debt and other offsets to the District's capital charge levy. Based on an average water consumption of 60,000 gallons, the total annual charge for both operation & maintenance and capital to the typical District ratepayer in 2021 is \$235.70.

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To The Administrative Board of the  
Rochester Pure Waters District  
May 7, 2021  
Page 2

**The specific Administrative Board action required is to submit a request to the Monroe County Legislature to approve an "Increase and Improvement of Facilities in the Rochester Pure Waters District" consisting of a capital project entitled "Frank E. Van Lare Wastewater Treatment Plant Electrical System Improvements," at an estimated cost of \$4,500,000, for a total authorization of \$21,000,000, and amend the 2021 Capital Budget and amend Bond Resolution 280 of 2019 to provide an increase in funding.**

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 project, consistent with authorized uses, will be available in capital fund 1927 once the additional financing authorization requested herein is approved and in any other capital fund(s) created for the same intended purpose. The local funding for this project will ultimately be provided by pure waters district user fees. No additional net County support is required in the current Monroe County budget.

I recommend that this matter receive favorable action by the Administrative Board of the Rochester Pure Waters District.

Sincerely,



Adam J. Bello  
Monroe County Executive

AJB:db



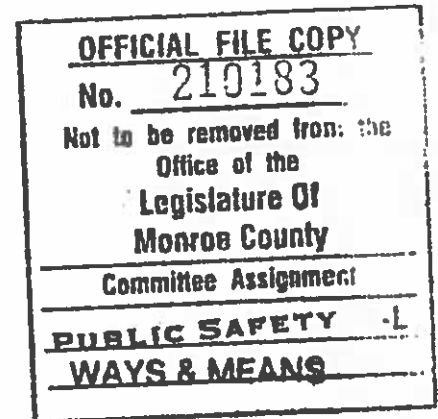


# Office of the County Executive

Monroe County, New York

Adam J. Bello  
County Executive

May 7, 2021



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

Subject: Authorize a Contract with Health Care Support Advisors, Inc. for Reimbursement to the Monroe County Sheriff's Office to Conduct Criminal Background Checks on HCSA Members' Potential Employees

Honorable Legislators:

This matter is being referred to Your Honorable Body at the request of Sheriff Todd K. Baxter.

I recommend that Your Honorable Body authorize a contract with Health Care Support Advisors, Inc. ("HCSA") in an amount not to exceed \$80,000 for reimbursement to the Monroe County Sheriff's Office for conducting criminal background checks on potential employees of nursing homes that are served by HCSA for the period of June 16, 2021 through June 15, 2022, with the option to renew for two (2) additional one-year periods upon mutual consent of both parties. Each renewal will be for an amount consistent with the Sheriff's costs to provide the requested service.

HCSA is incorporated in the state of New York as a not-for-profit corporation that provides support (i.e. education, scholarship grants to employees, and criminal background checks) to for-profit and not-for-profit skilled nursing facilities. This agreement will allow agencies served by HCSA to have background checks performed by the Sheriff's Office on all of their prospective employees in order to identify those who have a criminal record. The purpose of this endeavor is to help the participating homes and hospitals in their effort to safeguard their residents and enhance the quality of care provided to them.

**The specific legislative action required is to authorize the County Executive, or his designee, to execute a contract, and any amendments thereto, with Health Care Support Advisors, Inc. (HCSA), 40 Barrett Drive, Webster, New York 14580, for reimbursement to the Monroe County Sheriff's Office for conducting criminal background checks on potential employees of nursing homes that are served by HCSA in an amount not to exceed \$80,000 for the period of June 16, 2021 through June 15, 2022, with the option to renew for two (2) additional one-year periods upon mutual consent of both parties. Each renewal will be for an amount consistent with the Sheriff's costs to provide the requested service.**

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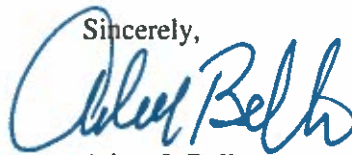
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This action is a Type II Action pursuant to 6 NYCRR § 617.5(c)(26) (“routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment”) and is not subject to further review under the State Environmental Quality Review Act.

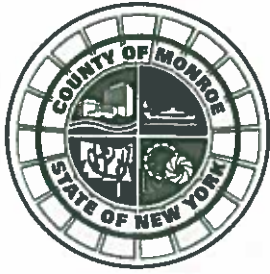
This contract is revenue generating and no net County support is required in the current Monroe County budget.

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



# Office of the County Executive

Monroe County, New York

Adam J. Bello  
County Executive

Additional Material on File  
in the Clerk's Office

May 7, 2021

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

Subject: Adopt 2022-2027 Capital Improvement Program

Honorable Legislators:

I recommend that Your Honorable Body adopt the proposed 2022-2027 Capital Improvement Program as recommended by the Monroe County Planning Board. The proposed Capital Improvement Program is submitted to the County Legislature in accordance with Section C4-10 of Article IV and Section C5-7 of Article V of the Monroe County Charter.

This proposed program includes projects designed to address aging infrastructure while at the same time ensuring that Monroe County continues to grow and expand its job base and quality of life. Projects contained in the program are intended to improve and modernize public buildings, construct needed highway and bridge improvements, as well as continue investment in public safety, the Frederick Douglass Greater Rochester International Airport, the County parks system, the Monroe County Library System, the Monroe Community Hospital, and Monroe Community College.

The 2022-2027 Capital Improvement Program is the result of a team effort involving the County Executive's Office, Departments of Planning and Development, Finance (Office of Management and Budget), Law, Transportation, Environmental Services (Engineering Division), Parks, and Information Services. In addition, the Monroe County Planning Board put in many hours in reviewing and recommending this program. I want to thank all of those involved in the preparation of this program for their hard work and dedication.

### The specific legislative actions required are:

1. Fix a public hearing on the adoption of the proposed 2022-2027 Capital Improvement Program.

<b>OFFICIAL FILE COPY</b>
No. <u>210184</u>
Not to be removed from the Office of the Legislature Of Monroe County
Committee Assignment
<b>ENV. &amp; PUB. WORKS -L</b>
<b>PUBLIC SAFETY</b>
<b>PLAN &amp; EC Dev</b>

**REC & ED**  
**INTRGOV PP'**  
**TRANSPORTATION**  
**HUMAN SERVICES**  
**WAYS & MEANS**

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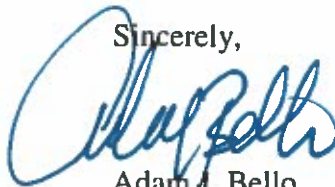
2. Direct the Clerk of the Legislature to publish legal notice of such public hearing at least once in one daily newspaper of general circulation in the County at least ten (10) days before the date set for the hearing.
3. Adopt the proposed 2022-2027 Capital Improvement Program, as submitted, in its entirety.

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.

The adoption of the proposed 2022-2027 Capital Improvement Program 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



# Office of the County Executive

Monroe County, New York

**Adam J. Bello**  
*County Executive*

May 7, 2021

<b>OFFICIAL FILE COPY</b>
No. <u>210185</u>
Not to be removed from the Office of the Legislature Of Monroe County
Committee Assignment
<b>ENV. &amp; PUB. WORKS-L</b>

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

**Subject:** Classification of Action and Determination of Significance Pursuant to State Environmental Quality Review Act for the Glendale Road Sidewalk Project funded through the Monroe County Community Development Block Grant Program

Honorable Legislators:

I recommend that Your Honorable Body determine whether the Glendale Road Sidewalk Project funded through the Monroe County Community Development Block Grant ("CDBG") Program may have a significant adverse impact on the environment pursuant to State Environmental Quality Review Act ("SEQRA").

This project consists of the Village of Brockport using CDBG funds to install approximately 3,250 linear feet of ADA Compliant 5-foot wide sidewalks and 340 linear feet of storm sewer on portions of Lyman Street, Locust Street, Barry Street, Glendale Road, and Frazier Street in the Village of Brockport. The installation will occur in a suburban-residential neighborhood that was previously disturbed at the time of construction.

This project will not impact existing wetlands, or historical, cultural, or natural resources nor will it alter the existing community character. The proposed action is consistent with existing land use and will increase the safety of nearby residents.

Glendale Road Sidewalk Project, funded through the Monroe County Community Development Block Grant Program, has been preliminarily classified as an Unlisted Action pursuant to 6 NYCRR § 617(b). The State Environmental Quality Review Act 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.

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**The specific legislative actions required are:**

1. Determine that Glendale Road Sidewalk Project – funded through the Monroe County Community Development Block Grant (CDBG) Program is an Unlisted Action.
2. Make a determination of significance of the Glendale Road Sidewalk Project – funded through the Monroe County Community Development Block Grant (CDBG) Program pursuant to 6 NYCRR § 617.7.
3. Authorize the County Executive, or his designee, to take such actions to comply with the requirements of SEQRA, including without limitation, the execution of documents and the filing, distribution and publication of the documents required under SEQRA, and any other actions to implement the intent of this resolution.

No additional net County support is required in 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

AJB:db

## Short Environmental Assessment Form

### Part 1 - Project Information

#### Instructions for Completing

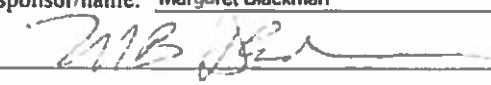
**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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.

<b>Part 1 – Project and Sponsor Information</b>			
Village of Brockport			
Name of Action or Project: Glendale Road Sidewalk Project			
Project Location (describe, and attach a location map): Portions of Lyman Street, Locust Street, Barry Street, Glendale Road and Frazier Street.			
Brief Description of Proposed Action: The project involves the installation of approximately 3,250 linear feet of 5 foot wide concrete sidewalks in the following locations: -Lyman Street from 176 Lyman Street to Locust Street -Locust Street from Lyman Street to Barry Street -Barry Street from 153 Barry Street to Glendale Road -Glendale Road from Barry Street to East Avenue -Frazier Street from 109 Frazier Street to Glendale Road			
Name of Applicant or Sponsor: Mayor Margaret Blackman, Village of Brockport		Telephone: (585) 637-5300	
		E-Mail: mblackman@brockportny.org	
Address: 127 Main Street			
City/PO: Brockport		State: New York	Zip Code: 14420
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	YES
		<input checked="" type="checkbox"/>	<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	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		_____ 3.7 acres	
b. Total acreage to be physically disturbed?		_____ 0.4 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ 3.7 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,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<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?	NO	YES	
If Yes, identify: _____	<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?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies:			
Not applicable this is a linear project to install sidewalks.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____			
Not applicable this is a linear project to install sidewalks.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____			
Not applicable this is a linear project to install sidewalks.	<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?	NO	YES	
	<input checked="" type="checkbox"/>	<input 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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____			



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 type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input type="checkbox"/>	<input type="checkbox"/>
_____		
_____		
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"/>
NYSDEC DECInfo Locator map shows sites on State Street outside of project area.		
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor/name: Margaret Blackman		Date: 2-2-2021
Signature: 		Title: Mayor

**PRINT FORM**

Project:

Date:

**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:		
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**

Project: Date: 

### *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.

#### Negative Declaration - Determination of No Significant Effect on the Environment:

The Village of Brockport will install approximately 3,250 linear feet of ADA compliant 5' wide concrete sidewalk and 340 linear feet of storm sewer. The new sidewalks will benefit residents by improving the overall safety for those who walk frequently in the area. The installation will be done in existing right of ways on a total of five separate streets (Lyman, Frazier, Barry St, Locust, and Glendale Rd). All five of these streets will be interconnected onto Glendale Rd and Locust St. On Glendale Rd and Locust St new sidewalks will be installed on the east side of both streets. To complete this project some trees will need to be removed and 25 new trees will be planted in the right of way between the sidewalk and the road. The NYS DEC locator shows a waste site on State Street which is outside of the project area. The project will not impact existing natural resources, wetlands, historical or cultural resources and will not alter the existing community character or increase traffic. The proposed action is consistent with existing land use. Accordingly, the proposed action will have no significant effect upon the environment and is determined to be a negative determination.

- 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.
- 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

Adam J. Bello

Print or Type Name of Responsible Officer in Lead Agency

Signature of Responsible Officer in Lead Agency

Date

County Executive

Title of Responsible Officer

Patrick T. Gooch

Signature of Preparer (if different from Responsible Officer)

**PRINT FORM**

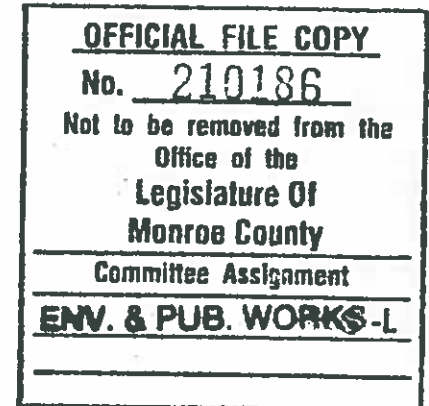


# Office of the County Executive

Monroe County, New York

Adam J. Bello  
County Executive

May 7, 2021



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

Subject: Classification of Action and Determination of Significance Pursuant to State Environmental Quality Review Act for the First Time Home Buyers Program funded through the Monroe County Home Investment Partnerships Program

Honorable Legislators:

I recommend that Your Honorable Body determine whether the First Time Home Buyers Program funded through the Home Investment Partnerships ("HOME") Program may have a significant adverse impact on the environment pursuant to State Environmental Quality Review Act ("SEQRA").

This project develops affordable housing opportunities by providing a direct subsidy for down payment or closing cost assistance for income eligible first time home-buyers purchasing their first home in suburban Monroe County. This is an administrative program that will aid individuals purchasing private homes that are still subject to existing municipal building and zoning codes.

This program has no direct effects on the environment, all property involved in this program are privately owned and still subject to the New York State Building Code and municipal zoning laws. This program will not result in construction or other physical projects; encroachment on wetlands, Critical Environmental Areas, floodplains; encroachment on 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. This program will not have any significant adverse environmental impacts.

The First Time Home Buyers Program, funded through the Monroe County Home Investment Partnerships, has been preliminarily classified as an Unlisted Action pursuant to 6 NYCRR § 617(b). The State Environmental Quality Review Act 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.

110 County Office Building • 39 West Main Street • Rochester, New York 14614

(585) 753-1000 • fax: (585) 753-1014 • [www.monroecounty.gov](http://www.monroecounty.gov) • e-mail: [countyexecutive@monroecounty.gov](mailto:countyexecutive@monroecounty.gov)

**The specific legislative actions required are:**

1. Determine that the First Time Home Buyers Program funded through the Monroe County Home Investment Partnerships (HOME) is an Unlisted Action.
2. Make a determination of significance for the First Time Home Buyers Program funded through the Monroe County Home Investment Partnerships (HOME) pursuant to 6 NYCRR § 617.7.
3. Authorize the County Executive, or his designee, to take such actions to comply with the requirements of SEQRA, including without limitation, the execution of documents and the filing, distribution and publication of the documents required under SEQRA, and any other actions to implement the intent of this resolution.

No additional net County support is required in 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

AJB:db

## Short Environmental Assessment Form

### Part 1 - Project Information

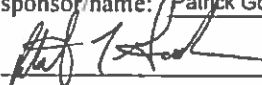
#### Instructions for Completing

**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: First Time Home Buyers Program			
Project Location (describe, and attach a location map): Monroe County, with the exception of the City of Rochester.			
Brief Description of Proposed Action: Develop affordable housing opportunities by providing a direct subsidy for down payment or closing cost assistance for income eligible first time home-buyers purchasing their first home in suburban Monroe County. This is an administrative program that will aid individuals purchasing homes that are still subject to existing municipal building and zoning codes.			
Name of Applicant or Sponsor: Monroe County		Telephone: 585-753-2032 E-Mail: patrickgooch@gmail.com	
Address: 39 W Main Street			
City/PO: Rochester		State: New York	Zip Code: 14620
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"/>
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: Dept. of Housing and Urban Development			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ 0 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? _____ 0 acres			
4. Check all land uses that occur on, are adjoining or near the proposed action: <input checked="" type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input checked="" type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input checked="" type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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?	NO	YES	
If Yes, identify: _____	<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 type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input 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: _____ _____ _____			

<p>14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:</p> <p><input type="checkbox"/> Shoreline   <input type="checkbox"/> Forest   <input type="checkbox"/> Agricultural/grasslands   <input type="checkbox"/> Early mid-successional</p> <p><input type="checkbox"/> Wetland   <input checked="" type="checkbox"/> Urban   <input checked="" type="checkbox"/> Suburban</p>		
<p>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?</p>	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>16. Is the project site located in the 100-year flood plan?</p>	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>17. Will the proposed action create storm water discharge, either from point or non-point sources?</p> <p>If Yes,</p> <p style="margin-left: 40px;">a. Will storm water discharges flow to adjacent properties?</p> <p style="margin-left: 40px;">b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?</p> <p>If Yes, briefly describe:</p> <p>_____</p> <p>_____</p>	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
<p>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)?</p> <p>If Yes, explain the purpose and size of the impoundment: _____</p> <p>_____</p>	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p>	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p>	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p>		
<p>Applicant/sponsor name: <u>Patrick Gooch</u> Date: <u>April 22, 2021</u></p>		
<p>Signature:  Title: <u>Senior Planner</u></p>		

**PRINT FORM**



Project:

Date:

**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:		
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**

Project: \_\_\_\_\_  
 Date: \_\_\_\_\_

**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.

The First-Time Home Buyer Program is a Monroe County program that provides one-time grants for down payment and closing assistance to income-eligible first time home buyers who purchase homes in the suburban towns and villages of Monroe County. This program has no direct effects on the environment, all property involved in this program are privately owned and still subject to the the New York State Building Code and municipal zoning laws. This program will not result in construction or other physical projects; encroachment on wetlands, Critical Environmental Areas, floodplains; encroachment on 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. This program will not have 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
_____ Print or Type Name of Responsible Officer in Lead Agency	_____ Title of Responsible Officer
_____ Signature of Responsible Officer in Lead Agency	Patrick T. Gooch _____ Signature of Preparer (if different from Responsible Officer)

**PRINT FORM**



# Office of the County Executive

Monroe County, New York

Adam J. Bello  
County Executive

May 7, 2021

**OFFICIAL FILE COPY**

No. 210187

Not to be removed from the  
Office of the  
Legislature Of  
Monroe County

Committee Assignment

**ENV. & PUB. WORKS I**

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

Subject: Classification of Action and Determination of Significance Pursuant to State Environmental Quality Review Act for the Acquisition Rehab Resale Program funded through the Monroe County Home Investment Partnerships Program

Honorable Legislators:

I recommend that Your Honorable Body determine whether the Acquisition Rehab Resale Program funded through the Home Investment Partnerships ("HOME") Program may have a significant adverse impact on the environment pursuant to State Environmental Quality Review Act ("SEQRA").

The project develops affordable housing opportunities by providing a direct subsidy for income eligible first time home-buyers purchasing their first home in suburban Monroe County. A sub recipient acquires a single family home, develops work specifications for rehab, awards a contractor to complete the work and bring home up to minimum standards for resale to individuals purchasing homes that are still subject to existing municipal building and zoning codes.

This program has no direct effects on the environment, all property involved in this program are privately owned and still subject to the New York State Building Code and municipal zoning laws. This program will not result in construction that results in the expansion of the original footprint; encroachment on wetlands, Critical Environmental Areas, floodplains; encroachment on 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.

The Acquisition Rehab Resale Program, funded through the Monroe County Home Investment Partnerships, has been preliminarily classified as an Unlisted Action pursuant to 6 NYCRR § 617(b). The State Environmental Quality Review Act 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.

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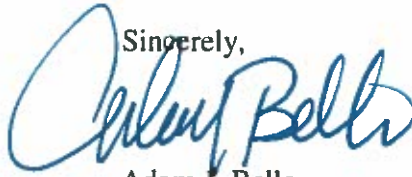
**The specific legislative actions required are:**

1. Determine that Acquisition Rehab Resale Program funded through the Monroe County Home Investment Partnerships (HOME) is an Unlisted Action.
2. Make a determination of significance for the Acquisition Rehab Resale Program funded through the Monroe County Home Investment Partnerships (HOME) pursuant to 6 NYCRR § 617.7.
3. Authorize the County Executive, or his designee, to take such actions to comply with the requirements of SEQRA, including without limitation, the execution of documents and the filing, distribution and publication of the documents required under SEQRA, and any other actions to implement the intent of this resolution.

No additional net County support is required in 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

AJB:db

## Short Environmental Assessment Form

### Part 1 - Project Information

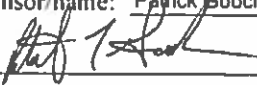
#### Instructions for Completing

**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.

<b>Part 1 – Project and Sponsor Information</b>			
Name of Action or Project: Acquisition Rehab Resale			
Project Location (describe, and attach a location map): Monroe County, with the exception of the City of Rochester.			
Brief Description of Proposed Action: Develop affordable housing opportunities by providing a direct subsidy for income eligible first time home-buyers purchasing their first home in suburban Monroe County. A sub recipient acquires a single family home, develops work specifications for rehab, awards a contractor to complete the work and bring home up to minimum standards for resale to individuals purchasing homes that are still subject to existing municipal building and zoning codes.			
Name of Applicant or Sponsor: Monroe County		Telephone: 585-753-2032	
Address: 39 W Main Street		E-Mail: patrickgooch@monroecounty.gov	
City/PO: Rochester		State: NY	Zip Code: 14620
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"/>
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: Department of Housing and Urban Development			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ 0 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? _____ 0 acres			
4. Check all land uses that occur on, are adjoining or near the proposed action: <input type="checkbox"/> Urban <input checked="" 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,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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?	NO	YES	
If Yes, identify: _____	<input type="checkbox"/>	<input checked="" 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?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies:			
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
_____			
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____			
_____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
_____			
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____			
_____	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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: _____			
_____			
_____			

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?	NO	YES
If 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)?	NO	YES
If Yes, explain the purpose and size of the impoundment: _____ _____	<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?	NO	YES
If Yes, describe: _____ _____	<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?	NO	YES
If Yes, describe: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor/name: <u>Patrick Gooch</u> Date: <u>04/22/2021</u>		
Signature: <u></u> Title: <u>Senior Planner</u>		

**PRINT FORM**

Project:

Date:

**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:		
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**



Project: \_\_\_\_\_  
 Date: \_\_\_\_\_

**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.

The Acquisition Rehab Resale Program is a Monroe County program that provides grants to income-eligible first time home buyers who purchase homes in the suburban towns and villages of Monroe County. This program has no direct effects on the environment, all property involved in this program are privately owned and still subject to the New York State Building Code and municipal zoning laws. This program will not result in construction that results in the expansion of the original footprint; encroachment on wetlands, Critical Environmental Areas, floodplains; encroachment on 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. This program will not have any significant adverse environmental impacts.

- 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.
- 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

\_\_\_\_\_  
 Print or Type Name of Responsible Officer in Lead Agency

\_\_\_\_\_  
 Title of Responsible Officer

Patrick T. Gooch

\_\_\_\_\_  
 Signature of Responsible Officer in Lead Agency

\_\_\_\_\_  
 Signature of Preparer (if different from Responsible Officer)

**PRINT FORM**



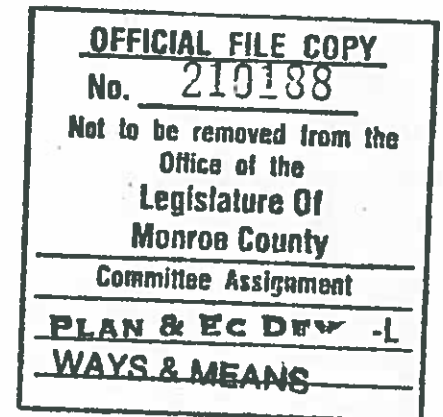
# Office of the County Executive

Monroe County, New York

Adam J. Bello  
County Executive

Additional Material on File  
in the Clerk's Office

May 7, 2021



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

Subject: 2021 Annual Action Plan for Housing and Community Development in Suburban Monroe County and Grant Submission to the U.S. Department of Housing and Urban Development

Honorable Legislators:

I recommend that Your Honorable Body approve Monroe County's 2021 Annual Action Plan for Housing and Community Development in Suburban Monroe County and Grant Submission to the U.S. Department of Housing and Urban Development ("HUD") for the Community Development Block Grant ("CDBG"), Home Investment Partnerships ("HOME"), and Emergency Solutions Grants ("ESG") programs.

Approval of this submission by HUD will provide the County with funding in the amount of \$3,198,757 for the period of August 1, 2021 to July 31, 2022. This represents the combined total of funds for the CDBG program in the amount of \$1,856,308; the HOME program in the amount of \$1,183,668; and the ESG program in the amount of \$158,781. This year's allocations represent a \$6,646 increase in funding received from HUD last year. This is the 46<sup>th</sup> year the County will receive this funding.

The CDBG, HOME, and ESG programs have been designed to carry out neighborhood projects, Americans with Disabilities Act improvements to public facilities, community services, economic development activities, housing activities, and homeless services. Pursuant to HUD regulations, these programs must principally benefit low to moderate-income persons, the elderly, and persons with special needs who live in the towns and villages that participate in the Monroe County Community Development Consortium.

Members of the Consortium and community services agencies apply to the County to receive grants for projects, which are listed in the 2021 Annual Action Plan.

**The specific legislative actions required are:**

1. Authorize the County Executive, or his designee, to submit the 2021 Annual Action Plan to the United States Department of Housing and Urban Development ("HUD") and to provide such additional information as may be required by HUD for the Community Development Block Grant, Home Investment Partnerships Program, and Emergency Solutions Grants programs.
2. Authorize the County Executive, or his designee, to accept the grant funds in the amount of \$3,198,757 or such other amount as determined by HUD, subject to HUD approval of the submission.

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3. Appropriate the sum of \$3,198,757 for grant funds, or such other amount as determined by HUD, and the sum of \$154,067, which is the estimated Program Income expected to be generated during the program year, into community development fund 9005; funds center 1501010000, Community Development Grants, contingent on HUD approval.
4. Authorize the County Executive, or his designee, to execute all contracts, including intermunicipal agreements, and any amendments thereto, that are necessary to carry out the administration of the Community Development Block Grant, Home Investment Partnerships Program and Emergency Solutions Grants programs.
5. Authorize the County Executive, or his designee, to execute all agreements, debt instruments, and other documents for each loan, grant, relending project or activity which may be approved under HUD Section 108 Loan Guarantee Assistance program, pursuant to Section 168.00 of the Local Finance Law, and to accept, receive and reappropriate funds which are borrowed from HUD or any other party, and relend the same to qualified borrowers.
6. Authorize the County Executive, or his designee, to approve the use of contingency funds or funds reprogrammed from current or prior years pursuant to the United States Department of Housing and Urban Development regulations.
7. Authorize the County Executive, or his designee, to accept, receive and appropriate or reappropriate any funds which accrue to the Community Development Office in the form of program income for use in connection with programs offered or funded by the Community Development Office, which administers the grants. All such income shall be utilized in accordance with the United States Department of Housing and Urban Development regulations governing the use of program income.
8. Authorize the County Executive to appropriate any subsequent years of the grant award in accordance with the grant terms, to reappropriate any unencumbered balances during the grant period according to the grantor requirements, and to make any necessary funding modifications within the grant guidelines to meet contractual commitments.
9. Should funding of this program be modified or terminated for any reason, the County Executive is hereby authorized to terminate or modify such program and, where applicable, to terminate or abolish some or all positions funded under such program. Any termination or abolishment of positions shall be in accordance with New York State Civil Service Law, and when applicable, the terms of any labor agreement affecting such positions.

The 2021 Annual Action Plan includes Type II actions pursuant to 6 NYCRR § 617.5(c)(1) (“maintenance or repair involving no substantial changes in an existing structure or facility”); (2) (“replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part”); (5) (“repaving of existing highways not involving the addition of new travel lanes”); (6) (“street openings and right-of-way openings for the purpose of repair or maintenance of existing utility facilities”); (13) (“extension of utility distribution facilities, including gas, electric, telephone, cable, water and sewer connections to render service in approved subdivisions or in connection with any action on this list”); (26) (“routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment); and (31) (“purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, or other hazardous materials”) that are not subject to further review under the State Environmental Quality Review Act.

2021 Annual Action Plan Item 24, Rental Housing Development, includes one (1) Type I Action and one (1) Unlisted Action for which another agency served as the Lead Agency pursuant to a coordinated review. The Village of Hilton Zoning Board of Appeals served as Lead Agency for the St. Leo's Senior Apartments Project, which it determined to be an Unlisted Action. The Village of Hilton Zoning Board of Appeals issued a Negative Declaration for this project dated January 26, 2021. The Town of Henrietta serves as Lead Agency for the Marketplace Senior Apartments, which it determined to be a Type I Action. The Town of Henrietta issued a Negative Declaration for this project on March 24, 2021. No further action under SEQRA is required for 2021 Annual Action Plan Item 24.

Last, Monroe County will undertake an uncoordinated review of 2021 Annual Action Plan Items 5, 23, and 25. The provisions of the New York State Environmental Quality Review Act shall be complied with prior to Your Honorable Body undertaking, funding, or approving these projects.

This grant is 100% funded by the U.S. Department of Housing and Urban Development. No additional net County support is required in 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

AJB:db



# Office of the County Executive

Monroe County, New York

Adam J. Bello  
County Executive

May 7, 2021

<b>OFFICIAL FILE COPY</b>
No. <u>210189</u>
Not to be removed from the Office of the Legislature Of Monroe County
Committee Assignment
<b>INTRGOV REL -L</b>

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

Subject: Authorize Intermunicipal Agreements for Vacant and Zombie Property Management

Honorable Legislators:

I recommend that Your Honorable Body authorize an intermunicipal agreement(s) with the Town of Brighton, Village of Brockport, Town of Chili, Village of Churchville, Town of Clarkson, Town of East Rochester, Village of Fairport, Town of Gates, Town of Greece, Town of Hamlin, Town of Henrietta, Village of Hilton, Village of Honeoye Falls, Town of Irondequoit, Town of Mendon, Town of Ogden, Town of Parma, Town of Penfield, Town of Perinton, Town of Pittsford, Village of Pittsford, Town of Riga, City of Rochester, Town of Rush, Village of Scottsville, Village of Spencerport, Town of Sweden, Town of Webster, Village of Webster, and/or Town of Wheatland to share vacant and zombie property management services for a term of up to five (5) years from the date of execution of the agreement, with the option to renew for up to three (3) additional one-year terms.

Vacant and Zombie Property Management is a shared service proposed in Monroe County's 2021 Shared Services Plan adopted pursuant to General Municipal Law § 239-bb. The Monroe County Shared Services Plan is part of the New York State County-Wide Shared Services Initiative, which requires local governments to work together to share services and reduce costs. Through a vacant and zombie property management intermunicipal agreement(s), municipalities could share resources to assist local code enforcement officers in inspecting and reporting on unsafe buildings and collapsed structures, as well as share resources between municipalities and/or jointly procure contract(s) for maintenance, repair, and demolition services. If Monroe County and its municipal partners are successful in eliminating duplicative services and reducing costs in 2021, New York State will match these savings through grant funds.

The specific legislative action required is to authorize the County Executive, or his designee, to execute an intermunicipal agreement(s) with the Town of Brighton, Village of Brockport, Town of Chili, Village of Churchville, Town of Clarkson, Town of East Rochester, Village of Fairport, Town of Gates, Town of Greece, Town of Hamlin, Town of Henrietta, Village of Hilton, Village of Honeoye Falls, Town of Irondequoit, Town of Mendon, Town of Ogden, Town of Parma, Town of Penfield, Town of Perinton, Town of Pittsford, Village of Pittsford, Town of Riga, City of Rochester, Town of Rush, Village of Scottsville, Village of Spencerport, Town of Sweden, Town of Webster, Village of Webster, and/or Town of Wheatland to share vacant and zombie property management services for a term of up to five (5) years from the date of execution of the agreement, with the option to renew for up to three (3) additional one-year terms.

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This referral is a Type II Action pursuant to 6 NYCRR 617.5(c)(1) (“maintenance or repair involving no substantial changes in an existing structure or facility”); (2) (“replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part”); (26) (“routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment”); and (42) (“emergency actions that are immediately necessary on a limited and temporary basis for the protection or preservation of life, health, property or natural resources, provided that such actions are directly related to the emergency and are performed to cause the least change or disturbance, practicable under the circumstances, to the environment. Any decision to fund, approve or directly undertake other activities after the emergency has expired is fully subject to the review procedures of this Part”) and is not subject to review under the State Environmental Review Act.

No additional net County support is required in 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

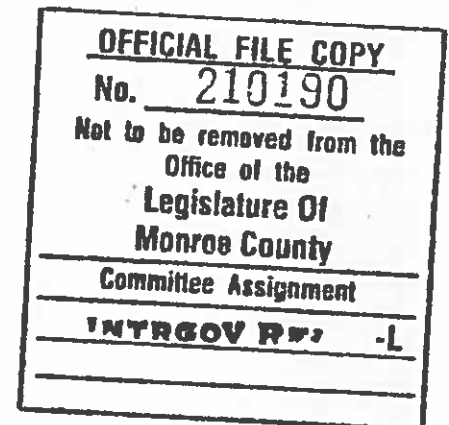


# Office of the County Executive

Monroe County, New York

Adam J. Bello  
County Executive

May 7, 2021



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

Subject: Authorize Intermunicipal Agreements for Shared Recreation Programs and Park Services

Honorable Legislators:

I recommend that Your Honorable Body authorize an intermunicipal agreement(s) with the Town of Brighton, Town of Chili, Village of Churchville, Town of Clarkson, Town of East Rochester, Village of Fairport, Town of Gates, Town of Greece, Town of Hamlin, Town of Henrietta, Village of Hilton, Village of Honeoye Falls, Town of Irondequoit, Town of Mendon, Town of Ogden, Town of Parma, Town of Penfield, Town of Perinton, Town of Pittsford, Village of Pittsford, Town of Riga, City of Rochester, Town of Rush, Village of Spencerport, Town of Sweden, Town of Webster, Village of Webster, and/or Town of Wheatland to share recreation programs and park services for a term of up to five (5) years from the date of execution of the agreement, with the option to renew for up to three (3) additional one-year terms.

Shared recreation programs and park services is a shared service proposed in Monroe County's 2021 Shared Services Plan adopted pursuant to General Municipal Law § 239-bb. The Monroe County Shared Services Plan is part of the New York State County-Wide Shared Services Initiative, which requires local governments to work together to share services and reduce costs. Through a shared recreation programs and park services intermunicipal agreement(s), municipalities could share resources between municipalities and/or jointly procure contracts to provide programming, facilities, and administration of parks and recreation across municipal boundaries. This would include partnering with municipalities in which County parks are located or near to share maintenance and repair services. If Monroe County and its municipal partners are successful in eliminating duplicative services and reducing costs in 2021, New York State will match these savings through grant funds.

**The specific legislative action required is to authorize the County Executive, or his designee, to execute an intermunicipal agreement(s) with the Town of Brighton, Town of Chili, Village of Churchville, Town of Clarkson, Town of East Rochester, Village of Fairport, Town of Gates, Town of Greece, Town of Hamlin, Town of Henrietta, Village of Hilton, Village of Honeoye Falls, Town of Irondequoit, Town of Mendon, Town of Ogden, Town of Parma, Town of Penfield, Town of Perinton, Town of Pittsford, Village of Pittsford, Town of Riga, City of Rochester, Town of Rush, Village of Spencerport, Town of Sweden, Town of Webster, Village of Webster, and/or Town of Wheatland to share recreation programs and park services for a term of up to five (5) years from the date of execution of the agreement, with the option to renew for up to three (3) additional one-year terms.**

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This referral is a Type II Action pursuant to 6 NYCRR 617.5(c)(1) (“maintenance or repair involving no substantial changes in an existing structure or facility”); (2) (“replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part”); and (26) (“routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment”) and is not subject to review under the State Environmental Review Act.

No additional net County support is required in 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





Office of the County Executive

Monroe County, New York

Adam J. Bello
County Executive

May 7, 2021

OFFICIAL FILE COPY
No. 210191
Not to be removed from the Office of the Legislature Of Monroe County
Committee Assignment
TRANSPORTATION -L
WAYS & MEANS

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

Subject: Authorize a Contract with C.P. Ward Inc. for Construction Services for the Ayrault Road Culvert Project over Irondequoit Creek Tributary in the Town of Perinton

Honorable Legislators:

I recommend that Your Honorable Body authorize a contract with C.P. Ward Inc. in the amount of \$482,021 for construction services for the Ayrault Road Culvert Project over Irondequoit Creek Tributary in the Town of Perinton.

This project involves lining of the existing culvert on Ayrault Road using a polymer-coated steel pipe-arch. The space between the liner and the existing culvert will be filled with cellular grout and minor improvements will be made to adjacent roadside storm drainage systems. The roadway will remain open to traffic throughout the project. The current schedule is to start work in summer 2021 with an anticipated completion by fall 2021.

Major funding will be provided by New York State Department of Transportation funds in the amount of approximately 100% of the project cost with overall project administration by Monroe County.

The following three (3) bids were received on March 26, 2021:

Table with 2 columns: Bidder Name and Bid Amount. Includes C.P. Ward Inc. (\$482,021.00), Prime Highway Contractors, LLC (\$572,808.60), and Nardozzi Paving & Construction (\$754,000.00).

The bids have been reviewed and C.P. Ward Inc. has been determined to be the lowest responsible bidder pursuant to General Municipal Law §103.

The specific legislative action required is to authorize the County Executive, or his designee, to execute a contract with C.P. Ward Inc., 100 W. River Road, Scottsville, New York 14546, in the amount of \$482,021 for construction services for the Ayrault Road Culvert Project over Irondequoit Creek Tributary in the Town of Perinton, and any amendments necessary to complete the project within the total capital fund(s) appropriation.

This action is a Type II Action pursuant to 6 NYCRR § 617.5(c)(2) ("replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site") and is not subject to further review under the State Environmental Quality Review Act.

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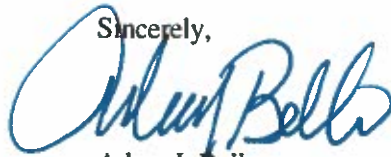
Funding for this contract, consistent with authorized uses, is included in capital fund 1934 and any capital fund(s) created for the same intended purpose. No additional net County support is required in the current Monroe County budget.

The records in the office of the Monroe County Treasury have indicated that neither C.P. Ward Inc. nor any of its principal officers owe any delinquent Monroe County property taxes. The principal officers of the firm are:

Kenneth A. Stewart, President & Treasurer  
Steven K. Phillips, Secretary

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



Office of the County Executive

Monroe County, New York

Adam J. Bello
County Executive

May 7, 2021

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No. 210192
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Committee Assignment
TRANSPORTATION -L
INTERGOV B/L
WAYS & MEANS

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

Subject: Authorize an Intermunicipal Agreement with the Town of Gates Related to the Ownership and Maintenance of the Elmford Road-Elmgrove Road-Shadow Lane Culvert System

Honorable Legislators:

I recommend that Your Honorable Body authorize an intermunicipal agreement with the Town of Gates related to the ownership and maintenance of the Elmford Road-Elmgrove Road-Shadow Lane culvert system.

The culvert system consists of a section under Elmford Road, a town highway, a section under Elmgrove Road, a county highway, and a section under Shadow Lane, a town highway. The purpose of the intermunicipal agreement is to establish clear ownership and maintenance jurisdiction of the Town and County segments.

The specific legislative action required is to authorize the County Executive, or his designee, to execute an intermunicipal agreement, and any amendments thereto, with the Town of Gates related to the ownership and maintenance of the Elmford Road-Elmgrove Road-Shadow Lane culvert system.

This action is a Type II Action pursuant to 6 NYCRR § 617.5(c)(26) ("routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment") and is not subject to review under the State Environmental Quality Review Act.

This agreement 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



# Office of the County Executive

Monroe County, New York

Adam J. Bello  
County Executive

May 7, 2021

<b>OFFICIAL FILE COPY</b>
No. <u>210193</u>
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Committee Assignment
<b>WAYS &amp; MEANS -L</b>

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

Subject: Amend Resolution 178 of 2018 to Extend the Term of the Contract with The EF&P Group, LLC, DBA Stonebridge Business Partners, for Self-Insured Healthcare Claims Auditing Services

Honorable Legislators:

I recommend that Your Honorable Body amend Resolution 178 of 2018 to extend the term of the contract with The EF&P Group, LLC, DBA Stonebridge Business Partners, for Self-Insured Healthcare Claims Auditing Services through July 31, 2022 in an amount not to exceed 18% of any recoveries identified and collected.

Per Resolution 178 of 2018, Your Honorable Body authorized a contract with The EF&P Group, LLC, d/b/a Stonebridge Business Partners for the period August 1, 2018 through July 31, 2019, with the option to renew for two (2) additional one-year periods. However, Monroe County's audit of self-insured medical and pharmacy claims expense has been rigorously defended by Excellus, causing this engagement to exceed the originally expected duration. As this has been one continuous audit, we are requesting a third one-year renewal under the existing contingency fee arrangement.

**The specific legislative action required is to amend Resolution 178 of 2018 to extend the term of the contract with The EF&P Group, LLC, DBA Stonebridge Business Partners, 280 Kenneth Drive, Suite 100, Rochester, New York 14623, for auditing services related to Self-Insured Healthcare Claims Auditing Services through July 31, 2022 in an amount not to exceed 18% of any recoveries identified and collected.**

This action is a Type II Action pursuant to 6 NYCRR § 617.5(c)(26) ("routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment") and is not subject to further review under the State Environmental Quality Review Act.


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This contract is revenue generating. No net County support is required in the current Monroe County budget.

The records in the Office of the Monroe County Treasury have indicated that neither The EF&P Group, LLC, DBA Stonebridge Business Partners, nor any of its principal officers owe any delinquent Monroe County property taxes. The principal partners of the firm are:

James I. Marasco, Partner  
James K. Leisner, Partner

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

AJB:db

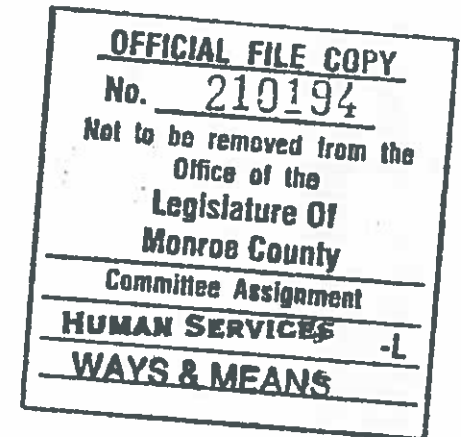


# Office of the County Executive

Monroe County, New York

Adam J. Bello  
County Executive

May 7, 2021



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

Subject: Acceptance of a Grant from Health Research, Inc. for the Expanded Partner Services Initiative

Honorable Legislators:

I recommend that Your Honorable Body accept a grant from Health Research, Inc. in the amount of \$105,000 for the Expanded Partner Services Initiative for the period of April 1, 2021 through March 31, 2022.

The purpose of this grant is to conduct activities necessary to follow up on reports of persons living with a diagnosis of HIV infection within Monroe County and thought to be out-of-care. This funding will support the investigation of out-of-care patients; link patients to medical care and other non-medical services, as identified; elicit, notify, and test partners of their potential exposure to HIV; engage patients and named partners in a risk-reduction conversation and provide supplies to prevent the spread of the disease; collect and/or verify identifying and demographic information related to HIV; and complete partner services field investigations. Funds will be used to provide partial funding for salaries and benefits of existing staff. It will also support transportation, supplies, and other costs to run the program. This will be the ninth year the County has received this grant. This year's funding represents the same amount as last year.

### The specific legislative actions required are:

1. Authorize the County Executive, or his designee, to accept a \$105,000 grant from, and to execute a contract and any amendments thereto with, Health Research, Inc. for the Expanded Partner Services Initiative for the period of April 1, 2021 through March 31, 2022.
2. Amend the 2021 operating budget of the Department of Public Health by appropriating the sum of \$105,000 into general fund 9300, funds center 5802030200, STD Investigation & Prevention.
3. Authorize the County Executive to appropriate any subsequent years of the grant award in accordance with the grant terms, to reappropriate any unencumbered balances during the grant period according to the grantor requirements, and to make any necessary funding modifications within the grant guidelines to meet contractual commitments.

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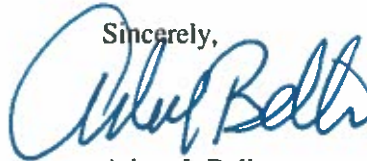
4. Should funding of this program be modified or terminated for any reason, the County Executive is hereby authorized to terminate or modify the program and, where applicable, to terminate or abolish some or all positions funded under such program. Any termination or abolishment of positions shall be in accordance with New York State Civil Service Law and, when applicable, the terms of any labor agreement affecting such positions.

This action is a Type II Action pursuant to 6 NYCRR § 617.5(c)(26) (“routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment”) and is not subject to further review under the State Environmental Quality Review Act.

This grant is 100% funded by Health Research, Inc. No additional net County support is required in 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

AJB:db

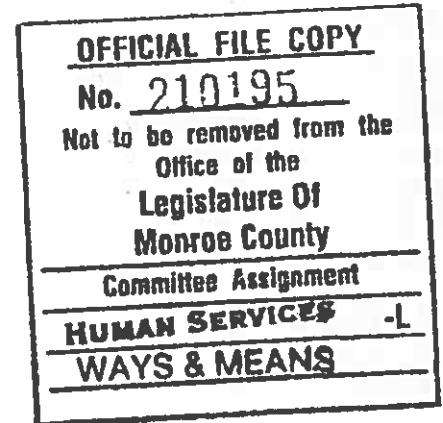


Office of the County Executive

Monroe County, New York

Adam J. Bello
County Executive

May 7, 2021



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

Subject: Authorize a Contract with Dentserv Dental Services, P.C. to Provide Dental Services for Residents of Monroe Community Hospital

Honorable Legislators:

I recommend that Your Honorable Body authorize a contract with Dentserv Dental Services, P.C. in a total amount not to exceed \$907,416 to provide dental services for residents of Monroe Community Hospital ("MCH") for the period of May 1, 2021 through April 30, 2024, with the option to renew for two (2) additional one-year terms at the same rate.

MCH is a 566 bed long term care facility. To ensure appropriate dental care of its residents, it is necessary that MCH contract with a vendor that is able to provide dentists, dental technicians, hygienists, and dental assistants as necessary to perform routine patient examinations, provide care for other dental conditions, and consultation to MCH. The provider must deliver services in accordance with regulatory requirements, resident needs, and professional standards of practice. Dentserv Dental Services, P.C. currently provides these services.

A Request for Proposals was issued with Dentserv Dental Services, P.C. the sole respondent.

The specific legislative action required is to authorize the County Executive, or his designee, to execute a contract and any amendments thereto, with Dentserv Dental Services, P.C., 15 Canal Road, Pelham Manor, New York 10803, to provide dental services for residents of Monroe Community Hospital in a total amount not to exceed \$907,416 for the period of May 1, 2021 through April 30, 2024, with the option to renew for two (2) additional one-year terms at the same rate.

This action is a Type II Action pursuant to 6 NYCRR § 617.5(c)(26) ("routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment") and is not subject to further review under the State Environmental Quality Review Act.



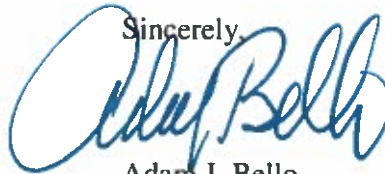
Funding for this contract is included in the 2021 operating budget of Monroe Community Hospital, hospital fund 9012, funds center 6203160000, Clinic, and will be requested in future years budgets. No additional net County support is required in the current Monroe County budget.

The records in the Office of the Monroe County Treasury have indicated that neither Dentserv Dental Services, P.C. nor any of its principal officers owe any delinquent Monroe County property taxes. The principal officers of the firm are:

Dr. Martin Cukier, President (sole owner of company)  
Isaac Newman, Chief Operating Officer

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



Office of the County Executive

Monroe County, New York

Adam J. Bello
County Executive

May 7, 2021

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Not to be removed from the Office of the Legislature Of Monroe County
Committee Assignment
HUMAN SERVICES -L
WAYS & MEANS

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

Subject: Authorize a Contract with SightRite Inc., Working Under the Umbrella of DocRite, to Provide Optometry Services for Residents of Monroe Community Hospital

Honorable Legislators:

I recommend that Your Honorable Body authorize a contract with SightRite Inc., working under the umbrella of DocRite, with Monroe County's cost not to exceed \$6,000, to provide optometry and eye-care services for residents of Monroe Community Hospital ("MCH") for the period of May 1, 2021 through April 30, 2024, with the option to renew for two (2) additional one-year terms at the same rate.

To ensure appropriate eye-care of its 500+ residents, it is necessary that MCH contract with a vendor that is able to provide optometrists and eye-care technicians as necessary to perform routine patient eye examinations, evaluate eyeglasses, and develop a program for the oversight of the ocular health of MCH residents. The provider must deliver services in accordance with regulatory requirements, resident needs, and professional standards of practice. The vendor participates in Medicare and Medicaid programs, accepts all insurances, and bills insurance companies directly with no fee required of MCH. Although the total consideration of the contract will exceed \$20,000, Monroe County is only obligated to reimburse the vendor for the very limited instances when costs are not covered by insurance. Over the last five years of the current optometry services contract, Monroe County has paid out \$100 for services not covered by insurance.

A Request for Proposals was issued for this contract with SightRite Inc. selected as the most qualified to provide this service.

The specific legislative action required is to authorize the County Executive, or his designee, to execute a contract and any amendments thereto, with SightRite Inc., working under the umbrella of DocRite, 267 Broadway, Second Floor, Brooklyn, New York 11211, to provide optometry services for residents of Monroe Community Hospital, with Monroe County's cost not to exceed \$6,000 for the period of May 1, 2021 through April 30, 2024, with the option to renew for two (2) additional one-year terms at the same rate.

This action is a Type II Action pursuant to 6 NYCRR § 617.5(c)(26) ("routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment") and is not subject to further review under the State Environmental Quality Review Act.

Funding for this contract is included in the 2021 operating budget of Monroe Community Hospital, fund 9012, funds center 6203160000, Clinic, and will be requested in future years budgets. No additional net County support is required in the current Monroe County budget.

The records in the Office of the Monroe County Treasury have indicated that neither SightRite Inc., DocRite, nor any of its principal officers, owe any delinquent Monroe County property taxes. The principal officers of the firm are:

Sol Klein, 50% Partner/Owner of company  
Ernest Schlesinger, 50% Partner/Owner of company

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

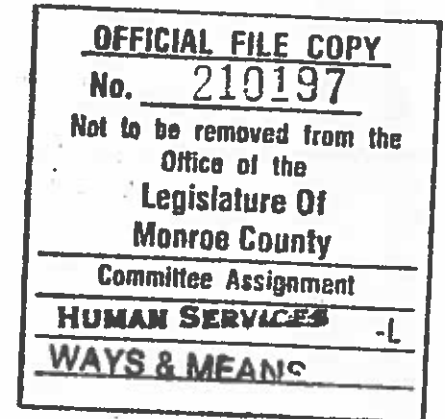


# Office of the County Executive

Monroe County, New York

Adam J. Bello  
County Executive

May 7, 2021



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

Subject: Authorize a Contract with Robert Peel, Douglas Ring, and Lewis Giglia, DBA Community Hospital Podiatry, to Provide Podiatry Services for Residents of Monroe Community Hospital

Honorable Legislators:

I recommend that Your Honorable Body authorize a contract with Robert Peel, Douglas Ring, and Lewis Giglia, DBA Community Hospital Podiatry, with Monroe County's cost not to exceed \$2,000, to provide podiatry and foot-care services for residents of Monroe Community Hospital ("MCH") for the period of January 1, 2021 through December 31, 2021, with the option to renew for three (3) additional one-year terms at the same rate.

To ensure appropriate foot-care of its 500+ residents, it is necessary that MCH contract with a vendor that is able to provide physicians as necessary to perform podiatric medical care, surgical podiatric care, and pedal wound care of MCH residents. The provider must deliver services in accordance with regulatory requirements, resident needs, and professional standards of practice. The vendor participates in Medicare and Medicaid programs, accepts all insurances, and bills insurance companies directly with no fee required of MCH. Although the total consideration of the contract will exceed \$20,000, Monroe County is only obligated to reimburse the vendor for the very limited instances when costs are not covered by insurance. Over the last five years of the current podiatry contract, Monroe County has paid out an average of \$150 per year for services not covered by insurance.

A Request for Proposals was issued for this contract with Robert Peel, Douglas Ring, and Lewis Giglia, DBA Community Hospital Podiatry, selected as the most qualified to provide this service.

**The specific legislative action required is to authorize the County Executive, or his designee, to execute a contract and any amendments thereto, with Robert Peel, Douglas Ring, and Lewis Giglia, DBA Community Hospital Podiatry, 2101 Lac De Ville Boulevard, Rochester, New York 14618, to provide podiatry services for residents of Monroe Community Hospital, with Monroe County's cost not to exceed \$2,000 for the period of January 1, 2021 through December 31, 2021, with the option to renew for three (3) additional one-year terms at the same rate.**

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This action is a Type II Action pursuant to 6 NYCRR § 617.5(c)(26) ("routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment") and is not subject to further review under the State Environmental Quality Review Act.

Funding for this contract is included in the 2021 operating budget of Monroe Community Hospital, hospital fund 9012, funds center 6203160000, Clinic, and will be requested in future years budgets. No additional net County support is required in the current Monroe County budget.

The records in the Office of the Monroe County Treasury have indicated that neither Robert Peel, Douglas Ring, Lewis Giglia, nor Community Hospital Podiatry, owe any delinquent Monroe County property taxes.

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

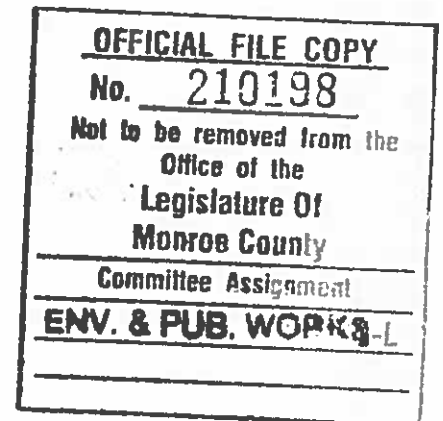


# Office of the County Executive

Monroe County, New York

Adam J. Bello  
County Executive

May 7, 2021



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 Sale of County-Owned Tax Foreclosure Property Located on Monroe Orleans County Line Road in the Town of Hamlin

Honorable Legislators:

I recommend that Your Honorable Body determine whether the sale of County-owned tax foreclosure property located on Monroe Orleans County Line Road in the Town of Hamlin may have a significant adverse impact on the environment pursuant to the State Environmental Quality Review Act ("SEQRA").

The proposed sale is as follows:

<u>Parcel</u>	<u>Offeror</u>	<u>Offered Amount</u>
Monroe Orleans County Line Road TA # 004.04-1-4 Town of Hamlin	Ron and Vicki Breslawski  501 Priem Road Hamlin, New York 14559	\$3,800

This vacant land was acquired January 8, 2018 through tax foreclosure, is surplus property, and is not needed by Monroe County. The price indicated above was negotiated by Monroe County Real Estate.

The sale of County-owned tax foreclosure property located on Monroe Orleans County Line Road in the Town of Hamlin 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.

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**The specific legislative actions required are:**

1. Determine that the sale of County-owned tax foreclosure property located on Monroe Orleans County Line Road in the Town of Hamlin is an Unlisted action.
2. Make a determination of significance regarding the sale of County-owned tax foreclosure property located on Monroe Orleans County Line Road in the Town of Hamlin 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

AJB:db

## 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.

<b>Part 1 – Project and Sponsor Information</b>			
Name of Action or Project: Proposed Sale of County Owned Tax Foreclosure Property Located on Monroe Orleans County Line Road			
Project Location (describe, and attach a location map): Tax Account Number 004.04-1-4 is located on Monroe Orleans County Line Road.			
Brief Description of Proposed Action: Sale of Tax Foreclosed Property consisting of .66 acres of land.			
Name of Applicant or Sponsor: Monroe County		Telephone: 585-753-1233	
Address: 39 West Main Street		E-Mail:	
City/PO: Rochester		State: MY	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"/>
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:			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ 0.66 acres b. Total acreage to be physically disturbed? _____ 0.00 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 0.66 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 checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			



	NO	YES	N/A
5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>  <input type="checkbox"/>	<input type="checkbox"/>  <input type="checkbox"/>	<input checked="" type="checkbox"/>  <input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NO YES
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NO YES
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>  <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/>  <input type="checkbox"/> <input type="checkbox"/>	NO YES
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: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NO YES
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NO YES
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NO YES
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?  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 checked="" type="checkbox"/>  <input checked="" type="checkbox"/>	<input type="checkbox"/>  <input type="checkbox"/>	NO YES
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? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	<input checked="" type="checkbox"/>  <input checked="" type="checkbox"/>	<input type="checkbox"/>  <input type="checkbox"/>	NO YES

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

Shoreline    Forest    Agricultural/grasslands    Early mid-successional

Wetland    Urban    Suburban

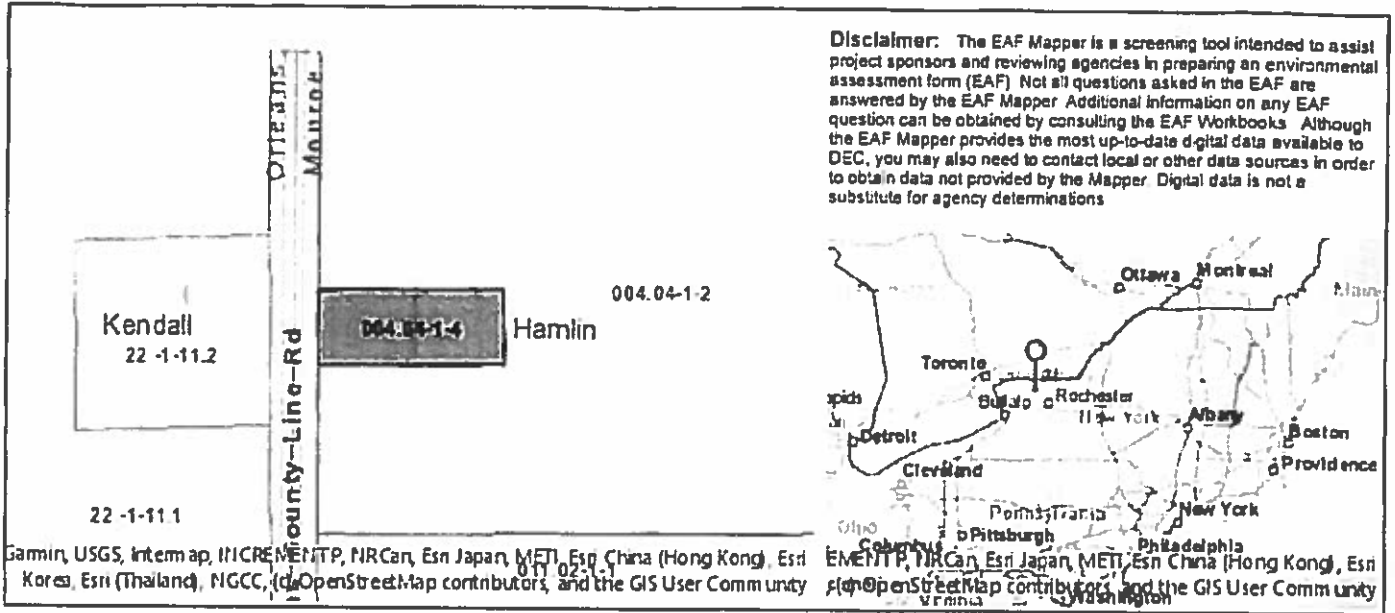
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<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 checked="" type="checkbox"/>	<input type="checkbox"/>

**I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE**

Applicant/sponsor/name: Monroe County Date: \_\_\_\_\_

Signature: *Scotty Priddy* Title: Director 4-5-21

**PRINT FORM**



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	No
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

Project:

Date:

**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: a. public / private water supplies?  b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<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: \_\_\_\_\_

Date: \_\_\_\_\_

**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.

The action is for the sale of the property and does not include the physical alteration nor disturbance of the property. The proposed action does not include physical alteration of the site and any future use of the property will need to be reviewed and consistent with the current zoning code and permitting requirements from state and federal regulatory bodies. It has been determined that no significant adverse environmental impacts from this action will occur.

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.

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 Title of Responsible Officer

Print or Type Name of Responsible Officer in Lead Agency *Adam J. Bello*

Signature of Responsible Officer in Lead Agency Signature of Preparer (if different from Responsible Officer)

**PRINT FORM**



Office of the County Executive

Monroe County, New York

Adam J. Bello
County Executive

May 7, 2021

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Office of the
Legislature Of
Monroe County
Committee Assignment
WAYS & MEANS -L

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

Subject: Authorize the Sale of County-Owned Tax Foreclosure Property Located on Monroe Orleans
County Line Road in the Town of Hamlin

Honorable Legislators:

I recommend that Your Honorable Body authorize a contract to sell County-owned tax foreclosure property
located on Monroe Orleans County Line Road in the Town of Hamlin as follows:

Table with 3 columns: Parcel, Offeror, Offered Amount. Row 1: Monroe Orleans County Line Road, Ron and Vicki Breslawski, \$3,800.

This vacant land was acquired January 8, 2018 through tax foreclosure, is surplus property, and is not
needed by Monroe County. The buyer owns the adjoining property. The price indicated above was negotiated by
Monroe County Real Estate.

The specific legislative action required is to authorize the County Executive, or his designee, to enter into
a contract with the above referenced offeror to sell the real property identified by tax account number 004.04-1-4
and to execute all documents necessary for the conveyance for the purchase price set forth above.

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.

This contract is revenue generating and no net County support is required in the current Monroe County
budget.

The records in the Office of the Monroe County Treasury have indicated that the property owners listed
above do not owe any delinquent Monroe County property taxes.

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

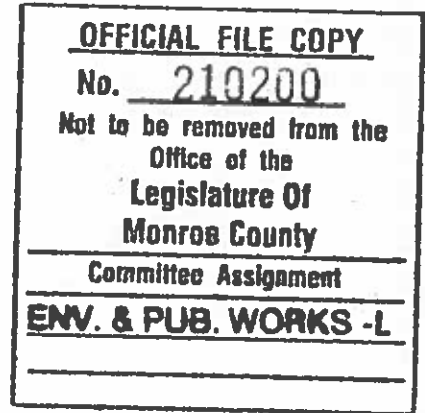
Sincerely
Adam J. Bello
Monroe County Executive



Office of the County Executive

Monroe County, New York

Adam J. Bello
County Executive



May 7, 2021

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 Sale of County-Owned Tax Foreclosure Property Located on Peck Road in the Town of Greece

Honorable Legislators:

I recommend that Your Honorable Body determine whether the sale of County-owned tax foreclosure property located on Peck Road in the Town of Greece may have a significant adverse impact on the environment pursuant to the State Environmental Quality Review Act ("SEQRA").

The proposed sale is as follows:

Table with 3 columns: Parcel, Offeror, Offered Amount. Row 1: Peck Road (un-addressed) TA # 058.01-1-23.2 Town of Greece, Fallmarc Development LLC 1726 Long Pond Road Rochester, NY 14606, \$4,000

This landlocked vacant land was acquired January 31, 2017 through tax foreclosure, is surplus property, and is not needed by Monroe County. The buyer owns the adjoining property. The price indicated above was negotiated by Monroe County Real Estate.

The sale of County-owned tax foreclosure property located on Peck Road in the Town of Greece 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.

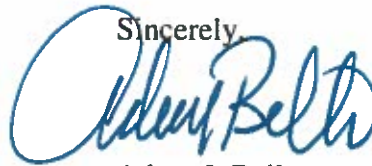
**The specific legislative actions required are:**

1. Determine that the sale of County-owned tax foreclosure property located on Peck Road in the Town of Greece is an Unlisted action.
2. Make a determination of significance regarding the sale of County-owned tax foreclosure property located on Peck Road in the Town of Greece 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

AJB:db



## 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 I. 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.

<b>Part I – Project and Sponsor Information</b>				
Name of Action or Project: Proposed Sale of County Owned Tax Foreclosure Property located on Peck Road in the Town of Greece				
Project Location (describe, and attach a location map): Peck Road Town of Greece Tax Account number 058.01-1-23 2				
Brief Description of Proposed Action: Sale of Tax Foreclosure Property consisting of approximately 0.49 Acres of vacant land				
Name of Applicant or Sponsor: Monroe County		Telephone: 585-753-1207		
		E-Mail:		
Address: 39 West Main Street				
City/PO: Rochester		State: New York	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 checked="" type="checkbox"/>	YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		0.49 acres		
b. Total acreage to be physically disturbed?		0.00 acres		
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.49 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,	NO	YES	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a. A permitted use under the zoning regulations?	<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? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<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: _____ _____	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: _____ _____	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: _____ _____	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?  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?	NO	YES	
	<input checked="" type="checkbox"/>	<input 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? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

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 checked="" 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?	NO	YES
If 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)?	NO	YES
If Yes, explain the purpose and size of the impoundment:	<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?	NO	YES
If Yes, describe:	<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?	NO	YES
If Yes, describe:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
_____		
_____		
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor name: Monroe County	Date: 1-1-21	
Signature: <i>[Handwritten Signature]</i>	Title: Director	

**PRINT FORM**

**Disclaimer:** The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

Project:

Date:

**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:		
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**

Project: \_\_\_\_\_

Date: \_\_\_\_\_

**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.

The action is for the sale of the property and does not include the physical alteration nor disturbance of the property. Although wetlands exist on the site, the proposed action does not include physical alteration of the site and any future use of the property will need to be reviewed and consistent with the current zoning code and permitting requirements for Wetlands from state and federal regulatory bodies. It has been determined that no significant adverse environmental impacts from this action will occur.

<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 _____ Print or Type Name of Responsible Officer in Lead Agency	_____ County Executive
_____ Signature of Responsible Officer in Lead Agency	_____ Title of Responsible Officer <i>Scotty Bello</i> _____ Signature of Preparer (if different from Responsible Officer)

**PRINT FORM**



*Office of the County Executive*  
 Monroe County, New York

**Adam J. Bello**  
 County Executive

May 7, 2021

**OFFICIAL FILE COPY**

No. 210201

Not to be removed from the  
 Office of the  
 Legislature Of  
 Monroe County

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Committee Assignment

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**WAYS & MEANS** -L

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

**Subject:** Authorize the Sale of County-Owned Tax Foreclosure Property Located on Peck Road in the Town of Greece

Honorable Legislators:

I recommend that Your Honorable Body authorize a contract to sell County-owned tax foreclosure property located on Peck Road in the Town of Greece as follows:

<u>Parcel</u>	<u>Offeror</u>	<u>Offered Amount</u>
Peck Road (un-addressed) TA # 058.01-1-23.2 Town of Greece	Fallmarc Development LLC 1726 Long Pond Road Rochester, NY 14606	\$4,000

This landlocked vacant land parcel was acquired January 31, 2017 through tax foreclosure, is surplus property, and is not needed by Monroe County. The buyer owns the adjoining property. The price indicated above was negotiated by Monroe County Real Estate.

**The specific legislative action required is to authorize the County Executive, or his designee, to enter into a contract with the above referenced offeror to sell the real property identified by tax account number 058.01-1-23.2 and to execute all documents necessary for the conveyance for the purchase price set forth above.**

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.

This contract is revenue generating and no net County support is required in the current Monroe County budget.

The records in the Office of the Monroe County Treasury have indicated that neither Fallmarc, Development LLC, nor its principal officer Marc A. Fallone, Managing Member, owe any delinquent Monroe County property taxes.

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



*Office of the County Executive*

Monroe County, New York

**Adam J. Bello**  
*County Executive*

May 7, 2021

<b>OFFICIAL FILE COPY</b>
No. <u>210202</u>
Not to be removed from the Office of the <b>Legislature Of Monroe County</b>
<b>Committee Assignment</b>
<b>WAYS &amp; MEANS -L</b>

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

Subject: Erroneous Assessment - Refund

Honorable Legislators:

I recommend that Your Honorable Body approve the refund and levy of a change of assessment due to an incorrect billing for sewer O/M charges in the City of Rochester and the Town of Ogden as per the attached list prepared by the Department of Finance, Real Property Tax Services.

These refund requests are the result of the property owners being charged for sewer charges incorrectly.

No additional net County support is required in 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

110 County Office Building • 39 West Main Street • Rochester, New York 14614

(585) 753-1000 • fax: (585) 753-1014 • [www.monroecounty.gov](http://www.monroecounty.gov) • e-mail: [countyexecutive@monroecounty.gov](mailto:countyexecutive@monroecounty.gov)



Listed below is pertinent information from an application for the refund of property taxes. The Real Property Tax Service Agency has the original application and support material available for review if needed. I am recommending the correction and refund of these Monroe County taxes because the same is erroneous. Listed below is the applicant's name, address, property location, tax year(s), tax account number, refund amount and reason for correction.

**City of Rochester: Tax Account No. 091.40-1-9, Keeler Park HSG Dev Fund, 1000 University Av #500, Rochester, NY 14607. Property Location: 501-601 Seneca Manor Dr. Tax Year: 2021 Amount of Taxes Currently Due: \$133,665.36. Amount of Corrected Taxes Due: \$91,346.85. Amount of Taxes to be Cancelled: \$42,318.51.** Due to a clerical error, the incorrect amount of consumption was utilized for the pure waters O/M charge on the 2020 final tax roll. This resulted in an erroneous charge.

**Town of Ogden: Tax Account No. 087.04-3-56, Celia Syer, 2366 Spencerport Rd, Rochester, NY 14559. Property Location: 2366 Spencerport Rd. Tax Year: 2021 Amount of Taxes Currently Due: \$5,370.54. Amount of Corrected Taxes Due: \$2,482.59. Amount of Taxes to be Cancelled: \$2,887.95.** Due to a clerical error, the incorrect amount of consumption was utilized for the pure waters O/M charge on the 2020 final tax roll. This resulted in an erroneous charge.

The necessary procedure to be followed by the Monroe County Legislature regarding this refund is for that body, by resolution, to approve this application, to authorize and direct the Controller to draw an order on the Director of Finance payable from the Erroneous Assessment Account for the heretofore stated sums and to authorize and direct the County Director of Real Property Tax Services to mail a duplicate copy of the approved application to said taxpayer.

By Legislators

Intro. No.

RESOLUTION NO. \_\_\_\_ OF 2021

**DIRECTING THE REFUND OF CERTAIN MONROE COUNTY TAXES LEVIED AND COLLECTED AGAINST PROPERTY IN CITY OF ROCHESTER AND TOWN OF OGDEN.**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. A portion of the Monroe County taxes in the following amounts shall be refunded:

<u>Year</u>	<u>Amount</u>	<u>City or Town</u>	<u>Tax Acct. No.</u>	<u>Refunded To:</u>
2021	42,318.51	City of Rochester	091.40-1-9	Keeler Park HGS Dev Fund 1000 University Av #500 Rochester, NY 14607
2021	2,887.95	Town of Ogden	087.04-3-56	Celia Syer 2366 Spencerport Rd Spencerport, NY 14559

Section 2. The Controller is hereby authorized and directed to draw an order on the Director of Finance - Chief Financial Officer payable from the Erroneous Assessment Account for the total sum of \$45,206.46 payable to the above named person(s) in the above listed amount.

Section 3. The following amount shall be levied against the following account:

<u>Accounts</u>	<u>Amounts</u>
P.W. # O/M Gal RT222	\$42,318.51
P.W. #4 O/M Gal OG214	<u>\$2,887.95</u>
	\$45,206.46

Section 4. The Application for Refund of Real Property Taxes, and duplicate copies thereof, for the tax account numbers set forth in Section 1 hereof, are hereby marked approved, and the amount of the refund set forth in Section 1 hereof are hereby entered on each such application and duplicate copy thereof.

Section 5. The Director of Real Property Tax Services is hereby authorized and directed to mail to the applicants the duplicate copy of each application that has been marked approved.

Section 6. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Ways and Means Committee; -CV:  
File No.

ADOPTION: DATE: \_\_\_\_\_ VOTE: \_\_\_\_\_

ACTION BY COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_

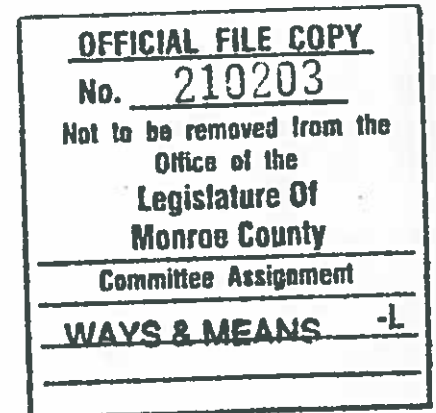


*Office of the County Executive*

Monroe County, New York

**Adam J. Bello**  
*County Executive*

May 7, 2021



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

Subject: Erroneous Assessments - Corrections and Cancellations

Honorable Legislators:

I recommend that Your Honorable Body approve the corrections and cancellations of certain Monroe County taxes in the City of Rochester as per the attached list prepared by the Department of Finance, Real Property Tax Services.

The corrections and cancellations are requested because of a clerical error as described by statute.

**The specific legislative action required is approval of the taxpayers' applications.**

No additional net County support is required in 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

110 County Office Building • 39 West Main Street • Rochester, New York 14614

(585) 753-1000 • fax: (585) 753-1014 • [www.monroecounty.gov](http://www.monroecounty.gov) • e-mail: [countyexecutive@monroecounty.gov](mailto:countyexecutive@monroecounty.gov)

Listed below is pertinent information from applications for corrected tax roll. Real Property Tax Service Agency has the original applications and support material available for review if needed. The Real Property Tax Director is recommending the correction and cancellation of certain Monroe County taxes because the same are erroneous.

The tax account hereinafter set forth lists the tax account number, applicant owner, property location, tax year(s), amount of taxes currently due, amount of corrected taxes, amount of taxes to be cancelled and the reason for their correction.

**City of Rochester: Tax Account No. 120.48-2-21, John W Hood Jr, 911 Brookhaven Dr, Saint Augustine, FL 32092. Property Location: 97 Hobart St Rochester, NY 14611. Tax Year: 2021 Amount of Taxes Currently Due: \$8,944.68. Amount of Corrected Taxes Due: \$591.14. Amount of Taxes to be Cancelled: \$8,353.54. Due to a clerical error the property was coded for an incorrect water districted. This resulted in an erroneous charge.**

By Legislators \_\_\_\_\_ and \_\_\_\_\_

Intro. No.  
RESOLUTION NO. \_\_\_\_ OF 2021

**DIRECTING CORRECTION, CANCELLATION AND LEVY OF CERTAIN MONROE COUNTY TAXES IN THE CITY OF ROCHESTER.**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. The Director of Finance - Chief Financial Officer is hereby authorized and directed to cancel certain Monroe County taxes as set forth and levied against the following properties:

<u>Town/Village</u>	<u>Tax Account #</u>	<u>Year</u>	<u>Amount Currently Due</u>	<u>Amount of Corrected Tax</u>	<u>Amount of Taxes To Be Cancelled</u>
City of Rochester	120.48-2-21	2021	\$8,944.68	\$591.14	\$8,353.54

Following are the assessed owners:

<u>Tax Account Number</u>	<u>Name and Mailing Address</u>
120.48-2-21	John W Hood Jr 911 Brookhaven Dr Saint Augustine, FL 32092

Section 2. The Controller is hereby authorized and directed to draw an order on the Director of Finance - Chief Financial Officer payable from the Erroneous Assessment Account for the sum of \$8,353.54.

Section 3. The Director of Finance - Chief Financial Officer is authorized and directed to levy the following amount against the following accounts:

PW O/M Gallon	<u>\$8,353.54</u>
	\$8,353.54

Section 4. The Application for Corrected Real Property Tax, and duplicate copy thereof, for the tax account number set forth in Section 1 hereof is marked approved, and the correct extension of taxes in the amount set forth in Section 1 hereof is entered on each such application and duplicate copy thereof.

Section 5. It is hereby ordered that the corrected taxes for said tax account number is in the amount set forth in Section 1 hereof, and the officer having jurisdiction of the tax roll is hereby directed to so correct such roll.

Section 6. The Director of Real Property Tax Services is hereby authorized and directed to transmit immediately to the officer having jurisdiction of the tax roll a certified copy of this resolution and the original of each application that has been marked approved, and also to mail to the applicants a notice of approval for each application that has been marked approved.

Section 7. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Ways and Means Committee; - CV:  
File No.

ADOPTION: DATE: \_\_\_\_\_ VOTE: \_\_\_\_\_

ACTION BY COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_

11 11 2021



# Office of the County Executive

Monroe County, New York

**Adam J. Bello**  
County Executive

May 7, 2021

<b>OFFICIAL FILE COPY</b>	
No.	<u>210204</u>
Not to be removed from the Office of the Legislature of Monroe County	
Committee Assignment	
<b>TRANSPORTATION</b>	<b>-L</b>
<b>WAYS &amp; MEANS</b>	

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

**Subject:** Authorize a Term Services Contract with The EF&P Group, LLC, DBA Stonebridge Business Partners, for Professional Auditing Services Relating to the Department of Transportation Consultant Agreements

Honorable Legislators:

I recommend that Your Honorable Body authorize a term services contract with The EF&P Group, LLC, DBA Stonebridge Business Partners, in an amount not to exceed \$60,000 for professional auditing services relating to the Department of Transportation consultant agreements for the period of July 1, 2021 through June 30, 2024.

The Federal Highway Administration ("FHWA") and the New York State Department of Transportation ("NYSDOT") provides federal and state assistance to localities to reconstruct, rehabilitate, and maintain bridges, roads and related transportation infrastructure. The County contracts with consultants who are engaged to provide professional services related to preliminary engineering design, final design, and construction inspection and supervision. Major funding for those capital projects comes from one FHWA program in which the State shares a portion of the non-federal cost (Marchiselli Aid), and from other related FHWA programs. NYSDOT and FHWA administrative procedures require the County to obtain close-out audits for consultant agreements that exceed a certain dollar threshold (currently \$300,000).

These close-out audits are to be performed by an independent Certified Public Accounting firm in accordance with Governmental Auditing Standards. The audits will be performed on an as-needed basis as projects that meet the required dollar threshold are completed. Historically, three to four audits are required each year at a cost ranging from \$3,000 to \$6,000 per audit, and the cost of each audit is reimbursed by New York State at the same reimbursement rate as the underlying capital project under audit.

A Request for Proposals was issued for this contract with The EF&P Group, LLC, DBA Stonebridge Business Partners, selected as the most qualified to provide this service.

110 County Office Building • 39 West Main Street • Rochester, New York 14614

(585) 753-1000 • fax: (585) 753-1014 • [www.monroecounty.gov](http://www.monroecounty.gov) • e-mail: [countyexecutive@monroecounty.gov](mailto:countyexecutive@monroecounty.gov)

**The specific legislative action required** is to authorize the County Executive, or his designee, to execute a term services contract, and any amendments thereto, with The EF&P Group, LLC, DBA Stonebridge Business Partners, 280 Kenneth Drive, Suite 100, Rochester, New York 14623, for professional auditing services relating to the Department of Transportation consultant agreements in an amount not to exceed \$60,000 for the period of July 1, 2021 through June 30, 2024.

This action is a Type II action pursuant to 6 NYCRR 617.5(c)(26) (“routine or continuing agency administration and management”) and is not subject to further review under the State Environmental Quality Review Act.

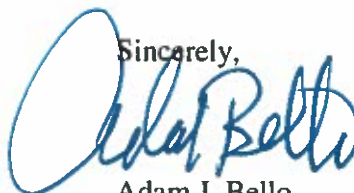
Funding for this contract, consistent with authorized uses, is included in various capital funds, and any future capital funds, relating to the project to which the audited consultant agreement pertains. No net county support is required in the current Monroe County budget.

The records in the Office of the Monroe County Treasury have indicated that neither The EF&P Group, LLC, DBA Stonebridge Business Partners, nor any of its principal officers owe any delinquent Monroe County property taxes. The principal partners of the firm are:

James I. Marasco, Partner  
James K. Leisner, Partner

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

AJB:db





# Office of the County Executive

Monroe County, New York

Adam J. Bello  
County Executive

May 7, 2021

<b>OFFICIAL FILE COPY</b>
No. <u>210205</u>
Not to be removed from the Office of the Legislature Of Monroe County
Committee Assignment
<b>HUMAN SERVICES -L</b>
<b>WAYS &amp; MEANS</b>

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

Subject: Amend Contracts with Rochester General Hospital and Strong Memorial Hospital of the University of Rochester to Support the Monroe County Department of Public Health in Administering COVID-19 Vaccinations

Honorable Legislators:

I recommend that Your Honorable Body authorize amendments to contracts with Rochester General Hospital and Strong Memorial Hospital of the University of Rochester to Support the Monroe County Department of Public Health in Administering COVID-19 Vaccinations.

By Resolution 27 of 2021, Your Honorable Body authorized the County Executive to enter into any agreement or contract and any amendments thereto on behalf of the County of Monroe for goods and services needed to address the COVID-19 pandemic, for which the total consideration thereof was \$150,000 or less. Pursuant to this authorization, the County Executive entered into contracts with Rochester General Hospital ("RGH") and Strong Memorial Hospital of the University of Rochester ("Strong") to provide medical, nursing, vaccination, and other health services required to respond to the threat of COVID-19 in Monroe County, each in an amount not to exceed \$150,000. Pursuant to these contracts, RGH and Strong have provided and continue to provide pharmacists, vaccinators, and other clinical personnel to support the County's community efforts to administer vaccinations against COVID-19. However, it has become evident that the County's need for these services will exceed Your Honorable Body's authorization under Resolution 27 of 2021.

**The specific legislative action required is to authorize amendments to contracts with Rochester General Hospital, 1425 Portland Avenue, Rochester, New York, 14621, and Strong Memorial Hospital, an unincorporated division of the University of Rochester, 601 Elmwood Avenue, Box 888, Rochester, New York 14642, to provide medical, nursing, vaccination, and other health services required to respond to the threat of COVID-19 in Monroe County for a total aggregate amount not to exceed \$750,000 for the period of January 1, 2021 through December 31, 2021.**

This action is a Type II Action pursuant to 6 NYCRR § 617.5(c)(26) ("routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment") and is not subject to further review under the State Environmental Quality Review Act.

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(585) 753-1000 • fax: (585) 753-1014 • [www.monroecounty.gov](http://www.monroecounty.gov) • e-mail: [countyexecutive@monroecounty.gov](mailto:countyexecutive@monroecounty.gov)

Funding for these contracts is included in the 2021 operating budget of the Department of Public Health, general fund 9001, funds center 5801090100, Pandemic Response. No net County support is required in the current Monroe County budget.

RGH and Strong are not-for-profit entities, and the records in the Office of the Monroe County Treasury have indicated that they do not owe any delinquent Monroe County property taxes.

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

AJB:db



**ATTACHMENTS:**

	<b>Description</b>	<b>File Name</b>	<b>Type</b>
▢	<b>Read and Files</b>	<b>5.11.21_read_and_files.pdf</b>	<b>Backup Material</b>

**MONROE COUNTY LEGISLATURE**  
**READ & FILE - May 11, 2021 - Day 10**

<b>Ref. No.</b>	<b>Subject Matter</b>
RF21-0063	Jack Moffitt, Clerk of the Monroe County Legislature - Regarding that the Proceedings of the Legislature of Monroe County for 2017 are now available online - 5/4/21
RF21-0064	Adam J. Bello, Monroe County Executive - Regarding Contract with Lifespan of Greater Rochester - 5/10/21
RF21-0065	Adam J. Bello, Monroe County Executive - Regarding Agreement for Public Health Coronavirus (COVID-19) Response Activities from April 10, 2021 through December 31, 2021 - 5/10/21
RF21-0066	John P. Bringewatt, Monroe County Attorney - Regarding Monroe County, NY Local State of Emergency - 4/9/21
RF21-0067	John P. Bringewatt, Monroe County Attorney - Regarding Monroe County, NY Local State of Emergency - 4/15/21
RF21-0068	John P. Bringewatt, Monroe County Attorney - Regarding Monroe County, NY Local State of Emergency - 4/20/21
RF21-0069	John P. Bringewatt, Monroe County Attorney - Regarding Monroe County, NY Local State of Emergency - 4/23/21
RF21-0070	John P. Bringewatt, Monroe County Attorney - Regarding Monroe County, NY Local State of Emergency - 4/29/21
RF21-0071	John P. Bringewatt, Monroe County Attorney - Regarding Monroe County, NY Local State of Emergency - 5/4/21
RF21-0072	John P. Bringewatt, Monroe County Attorney - Regarding Monroe County, NY Local State of Emergency - 5/10/21
RF21-0073	Jacquelyne A. Leach, Chief Financial Officer, Western Regional Off-Track Betting Corporation - Regarding the February 2021 Retained Surcharge Revenue for Monroe county from the Western Regional Off-Track Betting Corporation - 4/6/21
RF21-0074	Amy A. Molinari, Director of Finance & Business Services, Monroe County Water Authority - Regarding the Monroe County Water Authority's Annual Financial Statements for the Year ended December 31, 2020 - 4/5/21



**ATTACHMENTS:**

Description	File Name	Type
▫ Reports from Administration	REPORTS_FROM_ADMINISTRATION_5.11.21.pdf	Backup Material

**REPORTS FROM ADMINISTRATION**

*May 11, 2021*

Requests for Information

Referral No. 21-0131; 21-0133; 21-0145; 21-0155 and 21-0156  
*Submitted by Jeffery L. McCann 5/7/21*



**ATTACHMENTS:**

Description	File Name	Type
▫ Proposed Resolutions	5.11.21_proposed_resolutions.pdf	Resolution

By Legislators Brew and DiFlorio

Intro. No. \_\_\_\_

MOTION NO. \_\_\_\_ OF 2021

**PROVIDING THAT RULES OF THE MONROE COUNTY LEGISLATURE BE  
SUSPENDED AND MODIFIED FOR THE REGULAR MEETING ON MAY 11, 2021**

Be It Moved, that Article II, Section 545-6 of the Rules of the Monroe County Legislature, be, and hereby is suspended and modified by prohibiting public in-person access to the Special Meeting in favor of video viewing or listening to, and recording and later transcription of such proceeding.

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_



By Legislators Brew and Delehanty

Intro. No. \_\_\_\_

MOTION NO. \_\_\_\_ OF 2021

**PROVIDING THAT LOCAL LAW (INTRO. NO. 135 OF 2021), ENTITLED "BUSINESS CLOSURE TRANSPARENCY ACT" BE LIFTED FROM THE TABLE**

BE IT MOVED, that Local Law (Intro. No. 135 of 2021), entitled "BUSINESS CLOSURE TRANSPARENCY ACT," be lifted from the table.

File No. 21-0081.LL

ADOPTION: Date: \_\_\_\_\_

Vote: \_\_\_\_\_

1.

By Legislators Brew and Delehanty

Intro. No. \_\_\_\_

MOTION NO. \_\_\_\_ OF 2021

**PROVIDING THAT LOCAL LAW (INTRO. NO. 135 OF 2021), ENTITLED "BUSINESS CLOSURE TRANSPARENCY ACT" BE ADOPTED**

BE IT MOVED, that Local Law (Intro. No. 135 of 2021), entitled "BUSINESS CLOSURE TRANSPARENCY ACT," be adopted.

File No. 21-0081.LL

ADOPTION: Date: \_\_\_\_\_

Vote: \_\_\_\_\_

By Legislators Brew and Delchanty

Intro No. 135

LOCAL LAW NO. \_\_ OF 2021

ENACTING A LOCAL LAW ENTITLED "BUSINESS CLOSURE TRANSPARENCY ACT"

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. Title. This local law shall be known as the law "Business Closure Transparency Act."

Section 2. Legislative Intent. The use of government authority to close or curtail a business's operations should not be taken lightly. It is the intent of this law to ensure that any decision made by Monroe County resulting in the closure of a business is transparent, subject to reasonable public oversight, and consistent with the rules regulations and laws promulgated to protect the public. To that end, it is the decision of this body to require the creation and publication of a "Report of Justification" detailing the County's legal reasoning and justification for the closure.

Section 3. Requirement to Report Closures.

A. Should any Monroe County Administrative Head, Agency, Employee, or official, elected, appointed, or otherwise, use any power granted to them to close a place of business for any reason or any length of time, that official shall be responsible for delivering a Report of Justification to the Clerk of the Legislature within forty-eight (48) hours of the ordered closure via email or hardcopy. It shall be incumbent upon the Clerk to forward a copy of the Report to every Legislator and ensure the report is entered into the Legislature's official record. If receipt of said Report occurs outside of operating hours of the Monroe County Legislature, the Clerk shall forward the Report to every Legislator and submit it to the legislative record as soon as practicable, but in any event no later than 10:00am the next business day. A copy of the Report of Justification shall also be delivered to the owner(s) of the impacted business within the same timeframe via Certified US Mail, Return Receipt Requested.

B. The Report of Justification shall include:

1. A detailed written report that provides justification for the decision to order the closure, signed by the Administrative Head, Agency, Employee, or official, elected, appointed, or otherwise, ordering the closure;
2. A copy of the official order or communication closing the place of business; and
3. Any and all evidence in the possession of Monroe County on which the closure is based.

Section 4. Severability. If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. Effective Date. This local law shall take after filing with the Secretary of State pursuant to Section 27 of the New York State Municipal Home Rule Law.

Committee of the Whole; March 23, 2021 – CV: 19-9  
File No. 21-0081.LL

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF LOCAL LAW: \_\_\_\_\_

By Legislators Smith and Barnhart

Intro No. \_\_\_\_

LOCAL LAW NO. \_\_\_\_ OF 2021

**ENACTING A LOCAL LAW ENTITLED "THREE-FOOT SAFE PASSING LAW"**

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. **Title.** This chapter shall be known as "Carrie Ray's 3-Foot Passing Law to Protect Bicyclists."

Section 2. **Legislative Intent.** This Legislature hereby finds and determines that it is the duty of Monroe County to protect the health, safety, and welfare of its residents. This Legislature also finds and determines that many Monroe County residents ride bicycles for exercise, recreation, and as a primary mode of transport. This Legislature further finds and determines that when riding on roads, cyclists are vulnerable to the actions of motor vehicle operators. This Legislature determines that vehicles passing bicyclists pose a threat to the health and safety of these bicyclists if passing too closely or from the right side of the road. This Legislature also finds that a minimum passing distance should be established to protect bicyclists in Monroe County. Therefore, the purpose of this law is to establish regulations to protect the health and safety of bicyclists in Monroe County.

Section 3. **Minimum distance requirements for motor vehicles passing bicycles.** The operator of a vehicle that is overtaking, from behind, a bicycle proceeding on the same side of the road shall pass to the left of such bicycle at a distance of at least three (3) feet until safely clear thereof.

Section 4. **Severability.** If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. **Effective Date.** This local law shall take effect in accordance with the provisions of the Municipal Home Rule Law and the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0125.LL

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF LOCAL LAW: \_\_\_\_\_

Added language is underlined.  
Deleted language is ~~stricken~~.

4.

By Legislators Smith and Barnhart

Intro. No. \_\_\_\_

MOTION NO. \_\_\_\_ OF 2021

**PROVIDING THAT LOCAL LAW (INTRO. NO. \_\_\_\_ OF 2021) ENTITLED "THREE-FOOT SAFE PASSING LAW", BE TABLED**

BE IT MOVED, that Local Law (Intro. No. \_\_\_\_ of 2021) entitled "Three-Foot Safe Passing Law", be tabled.

File No. 21-0125.LL

ADOPTION: Date: \_\_\_\_\_

Vote: \_\_\_\_\_

By Legislators Smith and Barnhart

Intro. No. \_\_\_\_\_

RESOLUTION NO. \_\_\_\_ OF 2021

**FIXING A PUBLIC HEARING ON LOCAL LAW (INTRO. NO. \_\_\_\_ OF 2021) ENTITLED "THREE-FOOT SAFE PASSING LAW"**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. That there will be a public hearing at 6:15 P.M. on the 8th day of June, 2021, in the Legislative Chambers in the County Office Building, Rochester, New York on Local Law (Intro. No. \_\_\_\_ of 2021) entitled "Three-Foot Safe Passing Law".

Section 2. The Clerk of the Legislature is directed to give notice of the time and place of this public hearing, and a description of the proposed local law, to the news media within the County, and shall conspicuously post a copy of said notice in the office of the Clerk at least five days before said hearing. In addition, the Clerk shall cause said notice to be published once in the official newspapers of general circulation within the County at least five days before said hearing.

Section 3. This resolution shall take effect immediately.

File No. 21-0125.LL

ADOPTION: Date: \_\_\_\_\_

Vote: \_\_\_\_\_

By Legislators Brew and Ancello

Intro. No. \_\_\_\_

MOTION NO. \_\_\_\_ OF 2021

**PROVIDING THAT FILE NO. 21-0131 ENTITLED, "ENACT A LOCAL LAW ESTABLISHING A SUSTAINABLE ENERGY LOAN PROGRAM (OPEN C-PACE) IN MONROE COUNTY AND AUTHORIZE A CONTRACT WITH ENERGY IMPROVEMENT CORPORATION TO ADMINISTER THE ENERGIZE NY OPEN C-PACE PROGRAM," BE DISCHARGED FROM COMMITTEE**

Be It Moved, that File No. 21-0131 entitled "Enact a Local Law Establishing a Sustainable Energy Loan Program (OPEN C-PACE) in Monroe County and Authorize a Contract with Energy Improvement Corporation to Administer the Energize NY Open C-PACE Program," be, and hereby is discharged from the Committee of the Whole.

ADOPTED: Date: \_\_\_\_\_

Vote: \_\_\_\_\_



By Legislators Yudelson, Delehanty and Ancello

Intro No. \_\_\_\_

LOCAL LAW NO. \_\_\_\_ OF 2021

**ENACT A LOCAL LAW TO ESTABLISH A SUSTAINABLE ENERGY LOAN PROGRAM (OPEN C-PACE) IN MONROE COUNTY**

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

**Section 1. This local law shall be known as the “Energize NY Open C-PACE Financing Program” and shall read as follows:**

**ARTICLE I**

**§1. Legislative findings, intent and purpose, authority.**

- A. It is the policy of both Monroe County and the State of New York to achieve energy efficiency and renewable energy improvements, reduce greenhouse gas emissions, mitigate the effect of global climate change, and advance a clean energy economy. Monroe County finds that it can fulfill this policy by providing property assessed clean energy financing to Qualified Property Owners (as defined below) for the installation of renewable energy systems and energy efficiency measures. This local law establishes a program that will allow the Energy Improvement Corporation (as defined below, “EIC”), a local development corporation, acting on behalf of Monroe County pursuant to the municipal agreement (the “Municipal Agreement”) to be entered into between Monroe County and EIC make funds available to Qualified Property Owners that will be repaid through charges on the real properties benefited by such funds, thereby fulfilling the purposes of this local law and accomplishing an important public purpose. This local law provides a method of implementing the public policies expressed by, and exercising the authority provided by, Article 5-L of the General Municipal Law (as defined below, the “Enabling Act”).
- B. Monroe County is a municipality of the State constituting a tax district as defined in Section 1102 of the RPTL. Monroe County is authorized to execute, deliver and perform the Municipal Agreement and otherwise to implement this Energize NY Open C-PACE Financing Program pursuant to the Constitution and laws of New York, including particularly Article IX of the Constitution, Section 10 of the Municipal Home Rule Law, the Enabling Act and this local law.
- C. This local law, which is adopted pursuant to Section 10 of the Municipal Home Rule Law and the Enabling Act shall be known and may be cited as the “Energize NY Open C-PACE Local Law”.

**§2. Definitions**

- A. Capitalized terms used but not defined herein have the meanings assigned in the Enabling Act.
- B. For purposes of this local law, and unless otherwise expressly stated or unless the context requires, the following terms shall have the meanings indicated:

**Annual Installment Amount** – shall have the meaning assigned in Section 8, paragraph B.

**Annual Installment Lien** – shall have the meaning assigned in Section 8 paragraph B.

**Authority** – the New York State Energy Research and Development Authority.

**Benefit Assessment Lien** – shall have the meaning assigned in Section 3, paragraph A.

**Benefited Property** – Qualified Property for which the Qualified Property Owner has entered into a Finance Agreement for a Qualified Project.

**Benefited Property Owner** – the owner of record of a Benefited Property.

**EIC** – the Energy Improvement Corporation, a local development corporation duly organized under section 1411 of the Not-For-Profit Corporation Law of the State, authorized hereby on behalf of Monroe County to implement the Program by providing funds to Qualified Property Owners and providing for repayment of such funds from money collected by or on behalf of Monroe County as a charge to be levied on the real property.

**Eligible Costs** – costs incurred by the Benefited Property Owner in connection with a Qualified Project and the related Finance Agreement, including application fees, EIC’s Program administration fee, closing costs and fees, title and appraisal fees, professionals’ fees, permits, fees for design and drawings and any other related fees, expenses and costs, in each case as approved by EIC and the Financing Party under the Finance Agreement

**Enabling Act** – Article 5-L of the General Municipal Law of the State, or a successor law, as in effect from time to time.

**Finance Agreement** – the finance agreement described in Section 6A of this local law.

**Financing Charges** – all charges, fees, and expenses related to the loan under the Finance Agreement including accrued interest, capitalized interest, prepayment premiums, and penalties as a result of a default or late payment and costs and reasonable attorneys’ fees incurred by the Financing Party as a result of a foreclosure or other legal proceeding brought against the Benefited Property to enforce any delinquent Annual Installment Liens.

**Financing Parties** – Third-party capital providers approved by EIC to provide financing to Qualified Property Owners or other financial support to the Program which have entered into separate agreements with EIC to administer the Program in Monroe County.

**Municipal Lien** – a lien on Qualified Property which secures the obligation to pay real property taxes, municipal charges, or governmentally imposed assessments in respect of services or benefits to a Qualified Property.

**Non-Municipal Lien** – a lien on Qualified Property which secures any obligation other than the obligation to pay real property taxes, municipal charges, or governmentally-imposed assessments in respect of services or benefits to a Qualified Property Owner or Qualified Property.

**Program** – the Energize NY Open C-PACE Financing Program authorized hereby.

**Qualified Project** – the acquisition, construction, reconstruction or equipping of Energy Efficiency Improvements or Renewable Energy Systems or other projects authorized under the Enabling Act on a Qualified Property, together with a related Energy Audit, Renewable Energy System Feasibility Study and/or other requirements under or pursuant to the Enabling Act, with funds provided in whole or in part by Financing Parties under the Program to achieve the purposes of the Enabling Act.

**Qualified Property** – Any real property other than a residential building containing less than three dwelling units, which is within the boundaries of Monroe County that has been determined to be eligible to participate in the Program under the procedures for eligibility set forth under this local law and the Enabling Act and has become the site of a Qualified Project.

**Qualified Property Owner** – the owner of record of Qualified Property which has been determined by EIC to meet the requirements for participation in the Program as an owner, and any transferee owner of such Qualified Property.

**RPTL** – the Real Property Tax Law of the State, as amended from time to time.

**Secured Amount** – as of any date, the aggregate amount of principal loaned to the Qualified Property Owner for a Qualified Project, together with Eligible Costs and Financing Charges, as provided herein or in the Finance Agreement, as reduced pursuant to Section 8, paragraph C.

**State** – the State of New York.

**§3. Establishment of an Energize NY Open C-PACE Financing Program**

- A. An Energize NY Open C-PACE Financing Program is hereby established by Monroe County, whereby EIC acting on its behalf pursuant to the Municipal Agreement, may arrange for the provision of funds by Financing Parties to Qualified Property Owners in accordance with the Enabling Act and the procedures set forth under this local law, to finance the acquisition, construction, reconstruction, and installation of Qualified Projects and Eligible Costs and Financing Charges approved by EIC and by the Financing Party under the Finance Agreement. EIC, on behalf of Monroe County, and with the consent of the Benefited Property Owner, will record a Benefit Assessment Lien on the Benefited Property in the Secured Amount (the “Benefit Assessment Lien”) on the land records of the Monroe County Clerk’s Office. Such recording shall be exempt from any charge, mortgage recording tax, or other fee in the same manner as if recorded by Monroe County.
- B. Before a Qualified Property Owner and a Financing Party enter into a Finance Agreement which results in a loan to finance a Qualified Project, repayment of which is secured by a

Benefit Assessment Lien, a written consent from each existing mortgage holder of the Qualified Property shall be obtained, permitting the Benefit Assessment Lien and each Annual Installment Lien to take priority over all existing mortgages.

**§4. Procedures for eligibility**

- A. Any property owner in Monroe County may submit an application to EIC on such forms as have been prepared by EIC and made available to property owners on the website of EIC and at Monroe County’s offices.
- B. Every application submitted by a property owner shall be reviewed by EIC, acting on behalf of Monroe County, which shall make a positive or negative determination on such application based upon the criteria enumerated in the Enabling Act and § 5 of this local law. EIC may also request further information from the property owner where necessary to aid in its determination.
- C. If a positive determination on an application is made by EIC, acting on behalf of Monroe County, the property owner shall be deemed a Qualified Property Owner and shall be eligible to participate in the Program in accordance with § 6 of this local law.

**§5. Application criteria.** Upon the submission of an application, EIC, acting on behalf of Monroe County, shall make a positive or negative determination on such application based upon the following criteria for the making of a financing:

- A. The property owner may not be in bankruptcy and the property may not constitute property subject to any pending bankruptcy proceeding;
- B. The amount financed under the Program shall be repaid over a term not to exceed the weighted average of the useful life of Renewable Energy Systems and Energy Efficiency Improvements to be installed on the property, as determined by EIC;
- C. Sufficient funds are available from Financing Parties to provide financing to the property owner;
- D. The property owner is current in payments on any existing mortgage on the Qualified Property;
- E. The property owner is current on payments, with respect to the Qualified Property, on any real property taxes, municipal charges, and governmentally imposed assessments in respect of services or benefits, including the Monroe County Hotel Room Occupancy Tax, if applicable; and
- F. Such additional criteria, not inconsistent with the criteria set forth above, as the State, Monroe County, or EIC acting on its behalf, or other Financing Parties may set from time to time.

**§6. Energize NY Finance Agreement**

- A. A Qualified Property Owner may participate in the Program through the execution of a finance agreement made by and between the Qualified Property Owner and a Financing Party, to which EIC, on behalf of Monroe County, shall be a third-party beneficiary (the "Finance Agreement"). Upon execution and delivery of the Finance Agreement, the property that is the subject of the Finance Agreement shall be deemed a "Benefited Property").
- B. Upon execution and delivery of the Finance Agreement, the Benefited Property Owner shall be eligible to receive funds from the Financing Party for the acquisition, construction, and installation of a Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, provided the requirements of the Enabling Act, the Municipal Agreement and this local law have been met.
- C. The Finance Agreement shall include the terms and conditions of repayment of the Secured Amount and the Annual Installment Amounts.
- D. EIC may charge fees to offset the costs of administering the Program and such fees, if not paid by the Financing Party, shall be added to the Secured Amount.

**§7. Terms and conditions of repayment.** The Finance Agreement shall set forth the terms and conditions of repayment in accordance with the following:

- A. The principal amount of the funds loaned to the Benefited Property Owner for the Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, shall be specially assessed against the Benefited Property and will be evidenced by a Benefit Assessment Lien recorded against the Benefited Property on the land records of the Monroe County Clerk's Office. The special benefit assessment shall constitute a "charge" within the meaning of the Enabling Act and shall be collected in annual installments in the amounts certified by the Financing Party in a schedule provided at closing and made part of the Benefit Assessment Lien. Said amount shall be annually levied, billed, and collected by EIC, on behalf of Monroe County, and shall be paid to the Financing Party as provided in the Finance Agreement.
- B. The term of such repayment shall be determined at the time the Finance Agreement is executed by the Benefited Property Owner and the Financing Party, not to exceed the weighted average of the useful life of the systems and improvements as determined by EIC, acting on behalf of Monroe County.
- C. The rate of interest for the Secured Amount shall be fixed by the Financing Party in conjunction with EIC, acting on behalf of Monroe County, as provided in the Finance Agreement.

**§8. Levy of Annual Installment Amount and Creation of Annual Installment Lien.**

- A. Upon the making of the loan pursuant to the Finance Agreement, the Secured Amount shall become a special Benefit Assessment Lien on the Benefited Property in favor of

Monroe County. The amount of the Benefit Assessment Lien shall be the Secured Amount. Evidence of the Benefit Assessment Lien shall be recorded by EIC, on behalf of Monroe County, on the land records of the Monroe County Clerk's Office. Such recording shall be exempt from any charge, mortgage recording tax, or other fee in the same manner as if recorded by Monroe County. The Benefit Assessment Lien shall not be foreclosed upon by or otherwise enforced by Monroe County.

- B. The Finance Agreement shall provide for the repayment of the Secured Amount in installments made at least annually, as provided in a schedule attached to the Benefit Assessment Lien (the "Annual Installment Amount"). The Annual Installment Amount shall be levied by EIC, on behalf of Monroe County, on the Benefited Property in the same manner as levies for county charges and shall become a lien on the Benefited Property at midnight on the thirty-first day of December of the preceding year (the "Annual Installment Lien") and shall remain a lien until fully paid or otherwise satisfied or cancelled as provided by law. The creation or any recording of the Annual Installment Lien shall be exempt from any charge, mortgage recording tax, or other fee in the same manner as if recorded by Monroe County. Payment to the Financing Party shall be considered payment for this purpose. Such payment shall partly or wholly discharge the Annual Installment Lien. Delinquent Annual Installment Amounts may accrue Financing Charges as may be provided in the Finance Agreement. Any additional Financing Charges imposed by the Financing Party pursuant to the Finance Agreement shall increase the Annual Installment Amount and the Annual Installment Lien for the year in which such overdue payments were first due.
- C. The Benefit Assessment Lien shall be reduced annually by the amount of each Annual Installment Lien when each Annual Installment Lien becomes a lien. Each Annual Installment Lien shall be subordinate to all Municipal Liens, whether created pursuant to the RPTL, the Monroe County Tax Act, or by any other State or local law. No portion of a Secured Amount shall be recovered by Monroe County, EIC, or an assignee upon foreclosure, sale, or other disposition of the Benefited Property unless and until all Municipal Liens are fully discharged. Each Annual Installment Lien, however, shall have priority over all Non-Municipal Liens, irrespective of when created, except as otherwise required by law.
- D. Neither the Benefit Assessment Lien nor any Annual Installment Lien shall be extinguished or accelerated in the event of a default or bankruptcy of the Benefited Property Owner. Each Annual Installment Amount shall be considered a charge upon the Benefited Property and shall be collected by EIC, on behalf of Monroe County, at the same time and in the same manner as real property taxes or county charges. Each Annual Installment Lien shall remain a lien until paid. Amounts collected in respect of an Annual Installment Lien shall be remitted to EIC, on behalf of Monroe County, or the Financing Party, as may be provided in the Finance Agreement.
- E. EIC shall act as Monroe County's agent in collection of the Annual Installment Amounts. If any Benefited Property Owner fails to pay an Annual Installment Amount, the Financing Party may redeem the Benefited Property by paying the amount of all unpaid Municipal Liens thereon, and thereafter shall have the right to collect any amounts in

respect of an Annual Installment Lien by foreclosure or any other remedy available at law. Any foreclosure shall not affect any subsequent Annual Installment Liens.

F. EIC, on behalf of Monroe County, may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens to Financing Parties that provide financing to Qualified Properties pursuant to Finance Agreements. The Financing Parties may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens received from EIC, on behalf of the Municipality, subject to certain conditions provided in the administration agreement between EIC and the Financing Party. The assignee or assignees of such Benefit Assessment Liens and Annual Installment Liens shall have and possess the same powers and rights at law or in equity as Monroe County would have had if the Benefit Assessment Lien and the Annual Installment Liens had not been assigned with regard to the precedence and priority of such lien, the accrual of interest and the fees and expenses of collection. Notwithstanding the foregoing, no sale or assignment of a Benefit Assessment Lien and/or Annual Installment Lien shall be valid unless notice of such sale is recorded in the Monroe County Clerk's Office against the particular Qualified Property(ies) for which the Benefit Assessment Liens and/or Annual Installment Liens are being sold or assigned.

§9. **Verification and report.** EIC, on behalf of Monroe County, shall verify and report on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by the Program in such form and manner as the Authority may establish.

§10. **Separability.** If any clause, sentence, paragraph, section, or part of this local law 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, or part thereof involved in the controversy in which such judgment shall have been rendered.

Section 2. This local law shall take effect upon filing with the Secretary of State.

File No. 21-0131.LL

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF LOCAL LAW: \_\_\_\_\_

By Legislators Yudelson, Delehanty and Ancello

Intro. No. \_\_\_\_

MOTION NO. \_\_\_\_ OF 2021

**PROVIDING THAT LOCAL LAW (INTRO. NO. \_\_\_\_ OF 2021) ESTABLISHING A SUSTAINABLE ENERGY LOAN PROGRAM (OPEN C-PACE) IN MONROE COUNTY, BE TABLED**

BE IT MOVED, that Local Law (Intro. No. \_\_\_\_ of 2021) Establishing a Sustainable Energy Loan Program (OPEN C-PACE) in Monroe County, be tabled.

File No. 21-0131.LL

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_



By Legislators Yudelson, Delehanty and Ancello

Intro. No. \_\_\_\_\_

RESOLUTION NO. \_\_\_\_ OF 2021

**FIXING A PUBLIC HEARING ON LOCAL LAW (INTRO. NO. \_\_\_\_ OF 2021) ESTABLISHING A SUSTAINABLE ENERGY LOAN PROGRAM (OPEN C-PACE) IN MONROE COUNTY**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. That there will be a public hearing at 6:16 P.M. on the 8th day of June, 2021, in the Legislative Chambers in the County Office Building, Rochester, New York on Local Law (Intro. No. \_\_\_\_ of 2021) Establishing a Sustainable Energy Loan Program (OPEN C-PACE) in Monroe County.

Section 2. The Clerk of the Legislature is directed to give notice of the time and place of this public hearing, and a description of the proposed local law, to the news media within the County, and shall conspicuously post a copy of said notice in the office of the Clerk at least five days before said hearing. In addition, the Clerk shall cause said notice to be published once in the official newspapers of general circulation within the County at least five days before said hearing.

Section 3. This resolution shall take effect immediately.

File No. 21-0131.LL

ADOPTION: Date: \_\_\_\_\_

Vote: \_\_\_\_\_

By Legislators Flagler-Mitchell and Felder

Intro. No. \_\_\_\_\_

MOTION NO. \_\_\_\_\_ OF 2021

**PROVIDING THAT LOCAL LAW (INTRO. NO. 175 OF 2021), ENTITLED "OPERATION OF OFF-ROAD VEHICLES ON PUBLIC HIGHWAYS IN MONROE COUNTY," BE LIFTED FROM THE TABLE**

Be It Moved, that Local Law (Intro. No. 175 of 2021), entitled "Operation of Off-Road Vehicles on Public Highways in Monroe County" be lifted from the table.

File No. 21-0164.LL

ADOPTION: Date: \_\_\_\_\_

Vote: \_\_\_\_\_

By Legislator Brew and DiFlorio

Intro No. \_\_\_\_\_

MOTION NO. \_\_\_\_\_ OF 2021

**PROVIDING THAT LOCAL LAW (INTRO. NO. 175 OF 2021, ENTITLED, "OPERATION OF OFF-ROAD VEHICLES ON PUBLIC HIGHWAYS IN MONROE COUNTY," BE AMENDED**

BE IT MOVED, that Local Law (Intro. No. 175 of 2021), entitled "OPERATION OF OFF-ROAD VEHICLES ON PUBLIC HIGHWAYS IN MONROE COUNTY," be amended as follows:

Section 1. Part IV, General Local Laws of the Administrative Code and Charter of Monroe County, is hereby amended to add a new chapter to include the following Local Law:

**CHAPTER 314, OPERATION OF OFF-ROAD VEHICLES ON PUBLIC HIGHWAYS IN MONROE COUNTY**

~~Section 1. § 314-1~~ **Title.** This ~~local law chapter~~ shall be known as the law "Operation of Off-Road Vehicles on Public Highways in Monroe County."

~~Section 2. § 314-2~~ **Legislative Intent.** ~~To create an additional Chapter of the General Local Laws of Monroe County pertaining to the operation of off-road vehicles in Monroe County to be enacted as follows. The Legislature hereby finds that:~~

- A. The use of off-road vehicles on public highways are a threat to the safety of pedestrians, motorists, and bicyclists.
- B. Law enforcement has requested assistance from the Legislature, in the form of a local law, giving law enforcement the power to impound illegally operated off-road vehicles.
- C. Many off-road vehicle operators and passengers are not equipped with proper protective gear.
- D. The health, safety and well-being of the citizens of Monroe County is furthered by curtailing the illegal and unsafe use of off-road vehicles on public highways.

~~Section 3. § 314-3~~ **Definitions**

- A. Off-Road Vehicle. Includes All-Terrain Vehicles (ATVs) as defined in Section 2281(1) of the New York State Vehicle and Traffic Law, all off-highway motorcycles as defined by Section 125-a of the New York State Vehicle and Traffic Law, and motocross or dirt bikes, dune buggies, go-carts, and any and all other types of motorized trail bikes or vehicles with a primary intention for off-road use but not including non-motorized bikes.
- B. Operate. To ride in or on, other than as a passenger, or use or control the operation of an off-road vehicles in any manner regardless of if said off-road vehicle is underway.
- C. Public Highway. Any highway, road, alley, street, avenue, public place, public driveway, or any other public way.

~~Section 4. § 314-4~~ **Unlawful Conduct and Hazardous Operation of Off-Road Vehicles.**

- A. Unless otherwise permitted by Article 48-c of the New York State Vehicle and Traffic Law or other applicable law, it shall be unlawful to operate an off-road vehicle on any public highway in Monroe County.
- B. No person shall operate an ATV or any vehicle on the roadways of the County of Monroe unless it is covered by liability insurance; nonetheless, said ATV, or any vehicle that is not street legal may be operated by authorized government officials, the Monroe County Sheriff's Office, the Rochester Police Department, the New York State Police, the Federal Bureau of Investigation or the Bureau of Alcohol, Tobacco, Firearms and Explosives, in furtherance of their official duties.

~~Section 5. § 314-5~~ **Operation of Off-Road Vehicles in County Parks.** Chapter 323 of the General Local Laws of Monroe County shall continue to govern the use of off-road vehicles in Monroe County parks.

~~Section 6. § 314-6~~ **Required Protective Gears:**

- A. Operators and passengers must wear a United States Department of Transportation (USDOT) approved helmet while riding an ATV.

~~Section 7. § 314-7~~ **Penalties:**

- A. In addition to any other applicable penalties permitted by law, a police officer or peace officer may immediately impound any off-road vehicle that has been operated in breach of ~~the above sections~~ § 314-4 or § 314-6.
- B. Any off-road vehicle impounded pursuant to this section shall be stored by the pertinent police department or enforcement agency pending identification of the owner.
  - 1. Proof of Ownership. Acceptable proof of ownership are:
    - a. For a new off-road vehicle – the Manufacturer's Certificate or Statement of Origin (MCO or MSO), an out-of-state title certificate or registration certificate; or,
    - b. For a used off-road vehicle – a completed "Certification of Sale or Transfer" (MV-51) plus the MCO or MSO; or, a New York State transferable registration signed over to the current operator by the previous owner;
    - c. If an off-road vehicle has never been registered and current operator/owner do not have these acceptable documents, one must complete and submit a "Statement of Ownership" through the Department of Motor Vehicle (MV-51B).
      - 1. Law Enforcement shall record the Vehicle Identification Number (VIN) and provide the same to the alleged owner upon request.
  - 2. Off-Road Vehicles Without Required Registration
    - a. If registration of off-road vehicle is not so required, other indicia of ownership may be utilized to identify the proper off-road vehicle owner.
- C. Such owner shall be sent notice of such impoundment by certified mail within five days after the impoundment.
- D. The law enforcement agency shall not be liable for any damages arising out of the provision of an erroneous name or address of such owner.

- E. The owner of the impounded off-road vehicle may redeem the same upon satisfactory proof of ownership and payment of a redemption fee of \$500 to the impounding police department if it is the first time such vehicle has been impounded pursuant to this Local Law, or \$2,000 if such vehicle has previously been impounded pursuant to this Local Law. Such impounded off-road vehicle may only be released to the owner of the off-road vehicle or to his or her agent as evidenced by a written, notarized agent agreement or duly executed power of attorney.
- F. At no time shall this Local Law apply to the operation of an off-road vehicle as an emergency vehicle by any authorized emergency, police or civil department.

~~Section 8. § 314-8~~ **Severability.** If any clause, sentence, paragraph, subdivision, section, or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgement shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgement shall be rendered.

Section 9 2. ~~Effective Date.~~ This local law shall take effect after filing with the Secretary of State pursuant to Section 27 of New York Municipal Home Rule Law and the Monroe County Charter.

Added language by this motion is underlined  
 Deleted language by this motion is ~~stricken~~

Matter of Urgency  
 File No. 21-0164.LL

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

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By Legislators Flagler-Mitchell and Felder

Intro. No. \_\_\_\_

MOTION NO. \_\_\_\_ OF 2021

**PROVIDING THAT FILE NO. 20-0340 BE DISCHARGED FROM COMMITTEE**

Be It Moved, that File No. 20-0340 entitled “Enact a Local Law Entitled “Gantt’s Law for Utilization of Minority and Women-Owned Businesses” be, and hereby is discharged from the Agenda/Charter Committee.

ADOPTED: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

By Legislators Flagler-Mitchell and Felder

Intro No. \_\_\_\_\_

LOCAL LAW NO. \_\_\_\_ OF 2021

**ENACT A LOCAL LAW ENTITLED "GANTT'S LAW FOR UTILIZATION OF MINORITY AND WOMEN-OWNED BUSINESSES"**

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. Resolutions 240 of 2014 and 69 of 1989 are hereby rescinded.

Section 2. Part III, Administrative Local Laws of the Administrative Code and Charter of Monroe County, is hereby amended to add a new chapter to include the following Local Law:

**CHAPTER 26, UTILIZATION OF MINORITY AND WOMEN-OWNED BUSINESSES**

§ 26-1. Title.

This chapter shall be known as the "Gantt's Law."

§ 26-2. Legislative Intent.

- A. This Legislature hereby finds and determines that a need exists within the County of Monroe to recognize and encourage the growth of business enterprises that are owned and operated by women and minorities.
- B. This Legislature also finds business enterprises that are owned and operated by women and minorities have struggled to achieve equitable representation in procurement by the County of Monroe.
- C. This Legislature also finds that previous policies enacted by the County of Monroe regarding business enterprises that are owned and operated by women and minorities only pertained to construction activities.
- D. This Legislature also finds that the County's economy will benefit from the utilization by the County of business enterprises that are owned and operated by women and minorities.
- E. This Legislature further finds that both the state and federal governments have instituted programs that facilitate participation in government contracts by business enterprises that are owned and operated by women and minorities.
- F. Therefore, the purpose of this article is to ensure that minority- and women-owned business enterprises have sufficient opportunity to participate both directly and indirectly in contracting opportunities with Monroe County.

§ 26-3. Purpose.

The purpose of this section is to promote and encourage the utilization of minority and women-owned business enterprises in procurement by the County of Monroe and establish clear guidelines for what constitutes a minority and women-owned business enterprise, create a directory of minority and women-owned business enterprises, expand the use of minority and women-owned business enterprises in all areas of County procurement, institute reporting guidelines, conduct training for minority and women-owned business enterprises, and set new goals for the use of minority and women-owned business enterprises in County procurement.

§ 26-4. Definitions. As used in this section:

A. Certified Business – shall mean a business verified as a minority and women-owned business enterprise pursuant to § 26-5 of this article.

B. Committee – shall mean the Diversity Action Plan Advisory Committee established in accordance with Resolution 212 of 2020.

C. Contractor – shall mean an individual, a business enterprise, including a sole proprietorship, a partnership, a corporation, a not-for-profit corporation, or any other party to a County contract, or a bidder in conjunction with the award of a County contract or a proposed party to a County contract.

D. County – shall mean any County department; or any agency, division, board, office, elected official, commission or bureau of the County or of any County department.

E. County Contract – shall mean:

1. a written agreement or purchase order instrument, providing for a total expenditure in excess of fifteen thousand dollars, whereby the County is committed to expend or does expend funds in return for labor, services, supplies, equipment, materials or any combination of the foregoing, to be performed for, or rendered or furnished to the County;
2. a written agreement in excess of sixty thousand dollars whereby the County is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon.

For the purposes of this section, the term "services" shall not include banking relationships, the issuance of insurance policies or contracts, or contracts with the County for the sale of bonds, notes or other securities.

F. Director – shall mean the Director of Diversity, Equity and Inclusion – Chief Diversity Officer.

G. Minority Group Members – shall mean a United States citizen or permanent resident alien who has and can demonstrate membership in one of the following groups:

- a. Black persons having origins in any of the Black African racial groups;
- b. Hispanic persons of Mexican, Puerto Rican, Dominican, Cuban, Central or South American Descent of either Indian or Hispanic origin, regardless of race;
- c. Native American or Alaskan native persons having origins in any of the original peoples of North America;



- d. Asian and Pacific Islander persons having origins in any of the Far East countries, South East Asia, the Indian subcontinent or the Pacific Islands.

H. Minority-Owned Business Enterprise – shall mean a business enterprise, including a sole proprietorship, partnership or corporation that is:

1. at least fifty-one percent owned by one or more minority group members;
2. an enterprise in which such minority ownership is real, substantial and continuing;
3. an enterprise in which such minority ownership has and exercises the authority to control independently the day-to-day business decisions of the enterprise; and
4. an enterprise authorized to do business in the State of New York state and independently owned and operated.

I. Office – shall mean the Monroe County Department of Diversity, Equity and Inclusion.

J. Subcontract - shall mean an agreement providing for a total expenditure in excess of fifteen thousand dollars for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon between a contractor and any individual or business enterprise, including a sole proprietorship, partnership, corporation, or not-for-profit corporation, in which a portion of a contractor's obligation under a County contract is undertaken or assumed, but shall not include any construction, demolition, replacement, major repair, renovation, planning or design of real property or improvements thereon for the beneficial use of the contractor.

K. Utilization Plan - shall mean a plan prepared by a contractor and submitted in connection with a proposed County contract. The utilization plan shall identify certified minority and women-owned business enterprises, if known, that have committed to perform work in connection with the proposed County contract as well as any such enterprises, if known, which the contractor intends to use in connection with the contractor's performance of the proposed County contract. The plan shall specifically contain a list, including the name, address and telephone number, of each certified enterprise with which the contractor intends to subcontract.

L. Women-Owned Business Enterprise – shall mean a business enterprise, including a sole Proprietorship, partnership or corporation that is:

1. at least fifty-one percent owned by one or more United States citizens or permanent resident aliens who are women;
2. an enterprise in which the ownership interest of such women is real, substantial and continuing;
3. an enterprise in which such women ownership has and exercises the authority to control independently the day-to-day business decisions of the enterprise; and
4. an enterprise authorized to do business in the State of New York state and independently owned and operated.

§ 26-5. Certification.

A. The Director, in conjunction with the Committee, shall promulgate rules and regulations providing for the establishment of a Countywide certification program, including rules and regulations governing the approval, denial or revocation of any such certification. Such rules and regulations shall include, but not be limited to, such matters as may be required to ensure that the established procedures thereunder shall at least be in compliance with the code of fair procedure set forth in § 73 of the New York Civil Rights Law. The Director shall accept all businesses having or awaiting certification by a state agency.

B. For the purposes of this article, the Office shall be responsible for verifying businesses as being owned, operated, and controlled by minority group members or women and for certifying such verified businesses or may refer such process to an appropriate state agency. The Director shall prepare a directory of certified businesses for use by the County and contractors in carrying out the provisions of this article. The Director shall periodically update the directory and make it publically available on the County's website.

C. Following application for certification pursuant to this section, the Director shall provide the applicant with written notice of the status of the application, including notice of any outstanding deficiencies, within 30 days. Within 60 days of submission of a final completed application, the Director shall provide the applicant with written notice of a determination by the Office approving or denying such certification and, in the event of a denial, a statement setting forth the reasons for such denial. Upon a determination denying or revoking certification, the business enterprise for which certification has been so denied or revoked shall, upon written request made within 30 days from receipt of notice of such determination, be entitled to a hearing before the Committee. In the event that a request for a hearing is not made within such thirty-day period, such determination shall be deemed to be final. The Committee shall conduct a hearing and, upon the conclusion of such hearing, issue a written recommendation to the Director to affirm, reverse or modify such determination of the Director. Such written recommendation shall be issued to the applicant and the Director. The Director, within 30 days, shall, by order, accept, reject or modify such recommendation of the Committee and set forth in writing the reasons therefor. The Director shall serve a copy of such order and reasons therefor upon the business enterprise by personal service or by certified mail, return receipt requested.

§ 26-6. Annual Workshop

The Office shall hold an annual workshop for potential minority and women-owned business enterprise applicants and certified businesses, for the purpose of educating and informing participants about the County's procurement processes and reviewing upcoming procurement opportunities including, but not limited to the Capital Improvement Plan. The workshop shall include all relevant information to allow potential bidders to understand, navigate, and compete in the County's procurement process.

§ 26-7. Goals

The County hereby sets the following goals for insuring the full and equitable participation minority and women-owned business enterprises:

A. the County shall have a level of participation goal of twelve (12) percent for minority-owned business enterprises of the total value of County contracts in a given year;

B. the County shall have a level of participation goal of three (3) percent for women-owned business enterprises of the total value of County contracts in a given year; and

C. the above stated goals shall coincide with the County's good faith efforts to utilize local labor and create local jobs through County contracts.

§ 26-8. Equal Employment Opportunities for Minority Group Members and Women.

A. All County contracts and all documents soliciting bids or proposals for County contracts shall contain or make reference to the following provisions:

1. the contractor shall not discriminate against employees or applicants for employment because of race, creed, color, national origin, sex, age, disability, sexual orientation, military status, or marital status, and will undertake or continue taking steps to ensure that minority group members and women are afforded equal employment opportunities without discrimination. For purposes of this article, such steps shall include recruitment, employment, job assignments, promotion, upgrading, demotion, transfer, layoff, or termination and rates of pay or other forms of compensation;
2. at the request of the County, the contractor shall request each employment agency, labor union, or authorized representative of workers with which it has a collective bargaining or other agreement or understanding to furnish a written statement that such employment agency, labor union, or representative will not discriminate on the basis of race, creed, color, national origin, sex, age, disability, sexual orientation, military status, or marital status and that such union or representative will affirmatively cooperate in the implementation of the contractor's obligations herein; and
3. the contractor shall state, in all solicitations or advertisements for employees, that, in the performance of the County contract, all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability, sexual orientation, military status, or marital status.

B. The contractor shall include the provisions of Subsection A of this section in every subcontract in such a manner that the provisions will be binding upon each subcontractor as to all work done in connection with the County contract.

C. The provisions of this section shall not be binding upon contractors or subcontractors in the performance of work or the provision of services or any other activities that are unrelated, separate, or distinct from the County contract as expressed by its terms.

D. In the implementation of this section, the County shall consider compliance by a contractor or subcontractor with the requirements of any federal and state law concerning equal employment opportunity, which effectuates the purposes of this section. The County shall determine whether the imposition of the requirements of the provisions hereof duplicate or conflict with any such law, and if such duplication or conflict exists, the County shall waive the applicability of this section to the extent of such duplication or conflict.

§ 26-9. Requirements

A. The Director, in conjunction with the Committee, shall promulgate rules and regulations that provide measures and procedures to ensure that certified businesses shall be given the opportunity for meaningful participation in the performance of County contracts. Such rules shall require the County to identify those County contracts for which certified businesses are most likely to be available and may set forth additional requirements for outreach to minority businesses particularly with regard to such contracts. Nothing in the provisions of this article shall be construed to limit the ability of any certified business to bid on any contract.

B. The County shall include or require to be included with respect to County contracts for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon, requests for proposals (RFPs), and any other applicable County contracts, such provisions as may be necessary to effectuate the provisions of this article, including but not limited to provisions:

1. requiring contractors to use best efforts to solicit active participation by enterprises identified in the directory of certified businesses provided to the County by the Office; and
2. requiring the parties to agree, as a condition of entering into such contract, to be bound by the provisions of § 26-8 of this article; provided, however, that no such provisions shall be binding upon contractors or in the performance of work or the provision of services that are unrelated, separate or distinct from the County contract as expressed by its terms, and nothing in this section shall authorize the Director or any contracting agency to impose any requirement on a contractor except with respect to a County contract.

C. All requests for proposals, requests for qualifications, and expressions of interest issued by the County shall include approach to minority and women-owned business enterprise utilization in the selection criteria, and shall state that minority and women-owned business enterprise utilization will be used as selection criteria and rated in compliance with the Monroe County Department of Finance - Division of Purchasing and Central Service's Procedure for Service Contracts.

D. In the implementation of this section, the County shall consider compliance with the requirements of any federal or state law concerning opportunities for minority and women-owned business enterprises which effectuate the purpose of this section. The County shall determine whether the imposition of the requirements of any such law duplicate or conflict with the provisions hereof, and if such duplication or conflict exists, the County may waive the applicability of this article to the extent of such duplication or conflict.

**§ 26-10. Rules for Utilization of Subcontractors.**

A. The Director, in conjunction with the Committee, shall promulgate rules and regulations requiring that all contractors use best efforts to achieve participation in subcontracting by minority and women-owned business enterprises in accordance with goals set by § 26-7 to enhance opportunity for minority and women-owned businesses to reflect the percentage of minority and women-owned businesses available to perform such work.

B. The County shall administer the rules and regulations promulgated by the Director, in conjunction with the Committee, to ensure compliance with the provisions of this section.

1. Such rules and regulations shall require that:
  - a. a contractor submit a utilization plan after bids are opened, when bids are required, or in a contractor's response to an RFP;
  - b. in all cases, prior to the award of a County contract, the County shall review the utilization plan submitted by the contractor within a reasonable period of time, as established by the Director;
  - c. the County notify the contractor in writing within a period of time specified by the Director as to any deficiencies contained in the contractor's utilization plan, as well as the permissible time period within which to cure such deficiencies;
  - d. the contractor submit periodic compliance reports relating to the operation and implementation of any utilization plan; and

- e. the County file a complaint with the Director, or the Committee, in the event a contractor is failing or has failed to comply with the minority- and women-owned business enterprise participation requirements set forth in the County contract and no waiver has been granted pursuant to Subsections E and F of this section.

2. Such rules and regulations shall allow a contractor to:

- a. apply for a partial or total waiver of the minority and women-owned business enterprise participation requirements pursuant to Subsections E and F of this section.
- b. file a complaint with the Director, or the Committee, in the event the County has failed or refused to issue a waiver of the minority and women owned business enterprise participation requirements or has denied such request for a waiver.

C. The rules and regulations promulgated pursuant to this section regarding a utilization plan shall provide that where enterprises have been identified within a utilization plan, a contractor shall use best efforts to utilize such enterprise at least to the extent indicated. The County may require a contractor to indicate, within a utilization plan, what measures and procedures he or she intends to take to comply with the provisions of this article, but may not require, as a condition of award of or compliance with a contract, that a contractor utilize a particular enterprise in performance of the contract.

D. Without limiting other grounds for the disqualification of bids or proposals on the basis of nonresponsibility, the County may disqualify the bid or proposal of a contractor as being nonresponsible for failure to remedy noted deficiencies in the contractor's utilization plan within a period of time specified in regulations promulgated by the Director, in conjunction with the Committee, after receiving notification of such deficiencies from the County. Where failure to remedy any noted deficiency in the utilization plan is a ground for disqualification, that issue and all other grounds for disqualification shall be stated in writing by the County. Where the County states that a failure to remedy any noted deficiency in the utilization plan is a ground for disqualification, the contractor shall be entitled to an administrative hearing, on a record, involving all grounds stated by the County. Such hearing shall be conducted by the appropriate authority of the County to review the determination of disqualification. A final administrative determination made following such hearing shall be reviewable in accordance with law.

E. Where it appears that a contractor, after making its best efforts, cannot comply with the minority and women-owned business enterprise participation requirements set forth in a particular County contract, a contractor may file a written application with the County requesting a partial or total waiver of such requirements setting forth the reasons for the contractor's inability to meet any or all of the participation requirements and an explanation of the efforts undertaken, by the contractor to obtain the required minority and women-owned business enterprise participation. In implementing the provisions of this section, the County shall consider the number and types of minority and women-owned business located in the County, the total dollar value of the County contract, the scope of work to be performed and the project size and term. Based on such considerations, if the County determines there is not a reasonable availability of contractors on the list of certified businesses to furnish services for the project, it shall issue a waiver of compliance to the contractor. In making such determination, the County shall first consider the availability of other business enterprises located in the County and shall thereafter consider the financial ability of certified businesses located in the County to perform the County contract.

F. For purposes of determining if a contractor has used best efforts to comply with the requirements of this section or is entitled to a waiver, the County shall consider:

- 1. Whether the contractor has advertised in general circulation media, trade association, and minority-focus, women-focus, and in such event:

- a. whether or not certified businesses which have been solicited by the contractor exhibited interest in submitting proposals for a particular project by attending a pre-bid conference; and
  - b. whether certified businesses which have been solicited by the contractor have responded in a timely fashion to the contractor's solicitations for timely competitive bid quotations prior to the County's bid date; and
2. Whether there has been written notification to appropriate certified businesses that appear in the directory of certified businesses prepared pursuant to § 26-5 of this article; and
  3. Whether the contractor can reasonably structure the amount of work to be performed under subcontracts in order to increase the likelihood of participation by certified businesses.

G. In the event that the County fails or refuses to issue a requested waiver to a contractor within 30 days of the application therefor pursuant to Subsection E of this section, or if the County denies such application in whole or in part, the contractor may file a complaint with the Director, or the Committee, setting forth the facts and circumstances giving rise to the contractor's complaint together with a demand for relief. The contractor shall serve a copy of such complaint upon the County by personal service or by certified mail, return receipt requested. The County shall be afforded an opportunity to respond to such in writing.

H. If, after the review of a contractor's utilization plan or review of a periodic compliance report and after such contractor has been afforded an opportunity to respond to a notice of deficiency issued by the County in connection therewith, it appears that a contractor is failing or refusing to comply with minority and women-owned business enterprise participation requirements as set forth in the County contract and where no waiver from such requirements has been granted, the County may file a written complaint with the Director, or the Committee, setting forth the facts and circumstances giving rise to the County's complaint together with a demand for relief. The County shall serve a copy of such complaint upon the contractor by personal service or by certified mail, return receipt requested. The contractor shall be afforded an opportunity to respond to such complaint in writing.

#### § 26-11. Enforcement

Upon receipt of a complaint by that a contractor has violated the provisions of a County contract, which have been included to comply with the provisions of this article, the Director, in conjunction with the Committee, shall attempt to resolve the matter giving rise to such complaint within 30 days of receipt of the complaint. If efforts to resolve such matter to the satisfaction of all parties are unsuccessful, the matter shall be immediately referred to the Department of Law for appropriate action, including, but not limited to, withholding payment due under the contract, or cancellation, termination or suspension of the contract in whole or in part.

#### § 26-12. Report

The County Executive, or their designee, shall file a report with the County Legislature no later than April 1st of each year, which details the levels of participation for minority and women-owned business enterprises in County contracts for the prior year. The report shall include the name of each project funded, the total dollars spent for the project, and total dollars spent with minority and women-owned businesses, respectively.

#### § 26-13. Severability.

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

Section 3. This local law shall take effect sixty-days after filing with the Secretary of State pursuant to Section 27 of the New York State Municipal Home Rule Law.

Agenda/Charter Committee – Discharged to Legislature  
File No. 20-0340.LL

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF LOCAL LAW: \_\_\_\_\_

By Legislator Flagler-Mitchell and Felder

Intro No. \_\_\_\_\_

MOTION NO. \_\_\_\_\_ OF 2021

**PROVIDING THAT LOCAL LAW (INTRO. NO. \_\_ OF 2021, ENTITLED "GANTT'S LAW FOR UTILIZATION OF MINORITY AND WOMEN-OWNED BUSINESSES," BE AMENDED**

BE IT MOVED, that Local Law (Intro. No. \_\_ of 2021), entitled "GANTT'S LAW FOR UTILIZATION OF MINORITY AND WOMEN-OWNED BUSINESSES," be amended as follows:

Section 2. Part III, Administrative Local Laws of the Administrative Code and Charter of Monroe County, is hereby amended to add a new chapter to include the following Local Law:

**CHAPTER 26, UTILIZATION OF MINORITY AND WOMEN-OWNED BUSINESSES**

**§ 26-1. Title.**

This chapter shall be known as the "Gantt's Law."

**§ 26-2. Legislative Intent.**

- A. This Legislature hereby finds and determines that a need exists within the County of Monroe to recognize and encourage the growth of business enterprises that are owned and operated by women and minorities.
- B. This Legislature also finds business enterprises that are owned and operated by women and minorities have struggled to achieve equitable representation in procurement by the County of Monroe.
- C. This Legislature also finds that previous policies enacted by the County of Monroe regarding business enterprises that are owned and operated by women and minorities only pertained to construction activities.
- D. This Legislature also finds that the County's economy will benefit from the utilization by the County of business enterprises that are owned and operated by women and minorities.
- E. This Legislature further finds that both the state and federal governments have instituted programs that facilitate participation in government contracts by business enterprises that are owned and operated by women and minorities.
- F. Therefore, the purpose of this ~~article~~ chapter is to ensure that minority- and women-owned business enterprises have sufficient opportunity to participate both directly and indirectly in contracting opportunities with Monroe County.

**§ 26-3. Purpose.**

The purpose of this section is to promote and encourage the utilization of minority and women-owned business enterprises in procurement by the County of Monroe and establish clear guidelines for what constitutes a minority and women-owned business enterprise, create a directory of minority and women-owned business enterprises, expand the use of minority and women-owned business enterprises in all areas of County



procurement, institute reporting guidelines, conduct training for minority and women-owned business enterprises, and set new goals for the use of minority and women-owned business enterprises in County procurement.

§ 26-4. Definitions. As used in this section:

A. Certified Business – shall mean a business verified as a minority ~~and~~ or women-owned business enterprise pursuant to § 26-5 of this ~~article~~ chapter and/or a business certified by New York State pursuant to Article 15-a of the New York State Executive Law.

B. Committee – shall mean the Diversity Action Plan Advisory Committee established in accordance with Resolution 212 of 2020.

C. Contractor – shall mean an individual, a business enterprise, including a sole proprietorship, a partnership, a corporation, ~~a not-for-profit corporation~~, or any other party to a County contract, or a bidder in conjunction with the award of a County contract or a proposed party to a County contract.

D. County – shall mean any County department; or any agency, division, board, office, elected official, commission or bureau of the County or of any County department.

E. County Contract – shall mean:

- 1. ~~a written agreement or purchase order instrument, providing~~ Purchase contracts, including contracts for a total expenditure service work, let by the County in excess of fifteen ~~twenty~~ thousand dollars, whereby the County is committed to expend or does expend funds in return.
- 1. ~~Contracts for labor, services, supplies, equipment, materials or any combination of the foregoing, to be performed for, or rendered or furnished to~~ public works let by the County;
- 2. ~~a written agreement in excess of sixty thousand dollars whereby,~~
- 2.3. ~~Contracts for professional services let by the County is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon in excess of twenty thousand dollars.~~

For the purposes of this section; (1) the term "~~services~~" "service" shall not include banking relationships, the issuance of insurance policies or contracts, or contracts with the County for the sale of bonds, notes or other securities; and (2) the term "contract" shall not include contracts or other agreements with a municipal corporation, school district, district corporation, board of cooperative educational services, utility, not-for-profit corporation, or publicly traded company.

F. Director – shall mean the Director of Diversity, Equity and Inclusion – Chief Diversity Officer.

G. Minority Group Members – shall mean a United States citizen or permanent resident alien who has and can demonstrate membership in one of the following groups:

- a. Black persons having origins in any of the Black African racial groups;
- b. Hispanic persons of Mexican, Puerto Rican, Dominican, Cuban, Central or South American ~~Descent~~ descent of either Indian or Hispanic origin, regardless of race;

- c. Native American or Alaskan native persons having origins in any of the original peoples of North America;
- d. Asian and Pacific Islander persons having origins in any of the Far East countries, South East Asia, the Indian subcontinent or the Pacific Islands.

H. ~~Minority-Owned Business Enterprise~~ – shall mean a business enterprise, including a sole proprietorship, partnership, limited liability company, or corporation that is:

- 1. at least fifty-one percent owned by one or more minority group members;
- 2. an enterprise in which such minority ownership is real, substantial, and continuing;
- 3. an enterprise in which such minority ownership has and exercises the authority to control independently the day-to-day business decisions of the enterprise; and
- 4. an enterprise authorized to do business in the State of New York state and independently owned and operated.

I. Office – shall mean the Monroe County Department of Diversity, Equity and Inclusion.

J. Subcontract - shall mean an agreement ~~providing for a total expenditure in excess of fifteen thousand dollars for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon~~ between a contractor and any individual or business enterprise, including a sole proprietorship, partnership, ~~corporation~~ limited liability company, or ~~not for profit~~ corporation, in which a portion of a contractor's obligation under a County contract is undertaken or assumed, but shall not include any construction, demolition, replacement, major repair, renovation, planning or design of real property or improvements thereon for the beneficial use of the contractor.

K. Utilization Plan - shall mean a plan prepared by a contractor and submitted in connection with a proposed County contract. The utilization plan shall identify certified ~~minority and women owned business enterprise businesses~~, if known, that have committed to perform work in connection with the proposed County contract as well as any such ~~enterprises~~ certified businesses, if known, which the contractor intends to use in connection with the contractor's performance of the proposed County contract. The plan shall specifically contain a list, including the name, address and telephone number, of each certified ~~enterprisebusiness~~ business with which the contractor intends to subcontract.

L. Women-Owned Business Enterprise – shall mean a business enterprise, including a sole ~~Proprietorship~~ proprietorship, partnership, limited liability company, or corporation that is:

- 1. at least fifty-one percent owned by one or more United States citizens or permanent resident aliens who are women;
- 2. an enterprise in which the ownership interest of such women is real, substantial, and continuing;
- 3. an enterprise in which such women ownership has and exercises the authority to control independently the day-to-day business decisions of the enterprise; and
- 4. an enterprise authorized to do business in the State of New York state and independently owned and operated.

§ 26-5. Certification.

A. The Director, in ~~conjunction~~consultation with the Committee, shall promulgate rules and regulations providing for the establishment of a ~~Countywide~~County-wide certification program, including rules and regulations governing the approval, denial, or revocation of any such certification. ~~Such rules and regulations shall include, but not be limited to, such matters as may be required to ensure that the established procedures thereunder shall at least be in compliance with the code of fair procedure set forth in § 73 of the New York Civil Rights Law. The Director shall accept all businesses having or awaiting certification by a state agency.~~

B. For the purposes of this ~~article~~chapter, the Office shall be responsible for verifying businesses ~~applying for or certified under the County-wide certification program~~ as being owned, operated, and controlled by minority group members or women and for certifying such verified businesses ~~or may refer such process to an appropriate state agency.~~ The Director shall prepare a directory of certified businesses for use by the County and contractors in carrying out the provisions of this ~~article~~chapter. The Director shall periodically update the directory and make it publically available on the County's website. In the event a business certified under the County-wide certification program ceases to qualify as a minority- and/or women-owned business, the Office shall revoke its certification and send written notice of such revocation to the business.

C. Following application for certification pursuant to this section, the Director shall provide the applicant with written notice of the status of the application, including notice of any outstanding deficiencies, within 30 days. Within 60 days of submission of a final, completed application, the Director shall provide the applicant with written notice of a determination by the Office approving or denying such certification and, in the event of a denial, a statement setting forth the reasons for such denial.

~~C.D.~~ Upon a determination denying or revoking certification, the business enterprise for which certification has been so denied or revoked shall, upon written request made within 30 days from receipt of notice of such determination, be entitled to a hearing before the Committee. The business enterprise shall serve a copy of such request upon the Director and the Committee by personal service or by certified mail, return receipt requested. In the event that a request for a hearing is not made within such thirty-day period, such determination shall be deemed to be final. The Committee shall conduct a hearing and, upon the conclusion of such hearing, issue a written recommendation to the Director to affirm, reverse, or modify such determination of the Director Office. Such written recommendation shall be issued to the applicant and the Director. The Director, within 30 days, shall, by order, accept, reject, or modify such recommendation of the Committee and set forth in writing the reasons therefor. The Director shall serve a copy of such order and reasons therefor upon the business enterprise by personal service or by certified mail, return receipt requested.

§ 26-6. Annual Workshop

The Office shall hold an annual workshop for potential minority and women-owned business enterprise applicants and certified businesses; for the purpose of educating and informing participants about the County's procurement processes and reviewing upcoming procurement opportunities, including; but not limited to the Capital Improvement Plan. The workshop shall include all relevant information to allow potential bidders to understand, navigate, and compete in the County's procurement process.

§ 26-7. Goals

The County hereby sets the following goals ~~effective as of January 1, 2022, for insuring~~ensuring the full and equitable participation of minority and women-owned business enterprises:

A. the County shall have a ~~level of participation~~ goal of twelve (12) percent ~~for minority-owned~~

~~business enterprises~~ of the total value of County contracts in a given year for minority-owned business enterprises that are certified businesses;

B. the County shall have a ~~level of participation goal of three (3) percent for women-owned business enterprises~~ of the total value of County contracts in a given year for women-owned business enterprises that are certified businesses; and

C. the above stated goals shall coincide with the County's good faith efforts to utilize local labor and create local jobs through County contracts.

§ 26-8. **Equal Employment Opportunities for Minority Group Members and Women:**

A. All County contracts and all documents soliciting bids or proposals for County contracts shall contain or make reference to the following provisions as a condition of entering into a County contract:

1. the contractor shall not discriminate against employees or applicants for employment because of race, creed, color, national origin, sex, age, disability, sexual orientation, military status, or marital status, and will undertake or continue taking steps to ensure that minority group members and women are afforded equal employment opportunities without discrimination. For purposes of this ~~article~~chapter, such steps shall include recruitment, employment, job assignments, promotion, upgrading, demotion, transfer, layoff, or termination and rates of pay or other forms of compensation;
2. at the request of the County, the contractor shall request each employment agency, labor union, or authorized representative of workers with which it has a collective bargaining or other agreement or understanding to furnish a written statement that such employment agency, labor union, or representative will not discriminate on the basis of race, creed, color, national origin, sex, age, disability, sexual orientation, military status, or marital status and that such union or representative will affirmatively cooperate in the implementation of the contractor's obligations herein; and
3. the contractor shall state, in all solicitations or advertisements for employees, that, in the performance of the County contract, all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability, sexual orientation, military status, or marital status.

B. The contractor shall include the provisions of Subsection A of this section in every subcontract in such a manner that the provisions will be binding upon each subcontractor as to all work done in connection with the County contract.

C. The provisions of this section shall not be binding upon contractors or subcontractors in the performance of work or the provision of services or any other activities that are unrelated, separate, or distinct from the County contract as expressed by its terms.

D. In the implementation of this section, the County shall consider whether compliance by a contractor or subcontractor with the requirements of any federal and state law concerning equal employment opportunity, ~~which~~ effectuates the purposes of this section. The County shall determine whether the imposition of the requirements of the provisions hereof duplicate or conflict with any such law, and if such duplication or conflict exists, the County shall waive the applicability of this section to the extent of such duplication or conflict.

§ 26-9. **Requirements**

A. The Director, in ~~conjunction~~consultation with the Committee, shall promulgate rules and regulations that provide measures and procedures to ensure that certified businesses shall be given the opportunity for meaningful participation in the performance of County contracts. Such rules shall require the County to identify those County contracts for which certified businesses are most likely to be available and may set forth additional requirements for outreach to minority ~~businesses~~ and women-owned business enterprises particularly with regard to such contracts. Nothing in the provisions of this ~~article~~chapter shall be construed to limit the ability of any certified business to bid on any contract.

~~B. The County shall include or require to be included with respect to County contracts for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon, requests for proposals (RFPs), and any other applicable County contracts, such provisions as may be necessary to effectuate the provisions of this article, including but not limited to provisions:~~

- ~~1. requiring contractors to use best efforts to solicit active participation by enterprises identified in the directory of certified businesses provided to the County by the Office; and~~
- ~~2. requiring the parties to agree, as a condition of entering into such contract, to be bound by the provisions of § 26-8 of this article; provided, however, that no such provisions shall be binding upon contractors or in the performance of work or the provision of services that are unrelated, separate or distinct from the County contract as expressed by its terms, and nothing in this section shall authorize the Director or any contracting agency to impose any requirement on a contractor except with respect to a County contract.~~

~~C.B.~~ All requests for proposals, requests for qualifications, and expressions of interest issued by the County ~~for County contracts~~ shall include approach to minority and women-owned business enterprise utilization in the selection criteria, and shall state that minority and women-owned business enterprise utilization will be used as selection criteria and rated in compliance with the Monroe County Department of Finance - Division of Purchasing and Central Service's Procedure for Service Contracts.

~~D.C.~~ In the implementation of this section, the County shall consider whether compliance with the requirements of any federal or state law concerning opportunities for minority and women-owned business enterprises ~~which effectuate~~effectuates the purpose of this section. The County shall determine whether the imposition of the requirements of any such law duplicate or conflict with the provisions hereof, and if such duplication or conflict exists, the County may waive the applicability of this ~~article~~chapter to the extent of such duplication or conflict.

§ 26-10. Rules for Utilization of Subcontractors:

A. The Director, in ~~conjunction~~consultation with the Committee, shall promulgate rules and regulations requiring that all contractors use best efforts to achieve participation in subcontracting when applicable, by minority and women-owned business enterprises in accordance with goals set by § 26-7 to enhance opportunity for minority and women-owned businesses to reflect the percentage of minority and women-owned businesses available to perform such work.

B. The County shall administer the rules and regulations promulgated by the Director, in ~~conjunction~~consultation with the Committee, to ensure compliance with the provisions of this section. Such rules and regulations shall require that, when it is in the County's interest to permit subcontracting:

- ~~1. Such rules and regulations shall require that:~~

- 1. contractors shall use best efforts to solicit active participation by enterprises identified in the directory of certified businesses provided to the County by the Director;
- a-2. a contractor shall submit a utilization plan after bids are opened, when bids are required, or in a contractor's response to an RFP;
- b-3. in all cases, prior to the award of ~~a~~the County contract, the County shall review the utilization plan submitted by the contractor within a reasonable period of time, as established by the Director;
- e-4. the County shall notify the contractor in writing within a period of time specified by the Director as to any deficiencies contained in the contractor's utilization plan, as well as the permissible time period within which to cure such deficiencies;
- d-5. the contractor shall submit periodic compliance reports relating to the operation and implementation of any utilization plan; and
- e. ~~the County file a complaint with the Director, or the Committee, in the event a contractor is failing or has failed to comply with the minority and women owned business enterprise participation requirements set forth in the County contract and no waiver has been granted pursuant to Subsections E and F of this section.~~

- 2. ~~Such rules and regulations shall allow a contractor to:~~
  - a. ~~apply for a partial or total waiver of the minority and women owned business enterprise participation requirements pursuant to Subsections E and F of this section.~~
  - b. ~~file a complaint with the Director, or the Committee, in the event the County has failed or refused to issue a waiver of the minority and women owned business enterprise participation requirements or has denied such request for a waiver.~~

~~E-6. The rules and regulations promulgated pursuant to this section regarding a utilization plan shall provide that where enterprises~~where certified businesses have been identified within a utilization plan, a contractor shall use best efforts to utilize such ~~enterprise~~certified businesses at least to the extent indicated. The County may require a contractor to indicate, within a utilization plan, what measures and procedures ~~he or she~~it intends to take to comply with the provisions of this ~~article~~, but ~~may not require, as a condition of award of or compliance with a contract, that a contractor utilize a particular enterprise in performance of the contract~~chapter.

§ 26-11. Disqualification of Bid or Proposal

~~D. Without limiting other grounds for the disqualification of bids or proposals on the basis of nonresponsiveness and/or nonresponsibility, the County may disqualify the bid or proposal of a contractor as being nonresponsive and/or nonresponsible for failure to provide a utilization plan and/or remedy noted deficiencies in the contractor's utilization plan within a period of time specified in regulations promulgated by the Director, in conjunction with the Committee, after receiving notification of such deficiencies from the County. Where failure to remedy any noted deficiency in the utilization plan is a ground for disqualification, that issue and all other grounds for disqualification shall be stated in writing by the County. Where the County states that a failure to remedy any noted deficiency in the utilization plan is a ground for disqualification, the contractor shall be entitled to an administrative hearing, on a record, involving all grounds stated by the County. Such hearing shall be conducted by the appropriate authority of the County to review the determination of disqualification. A final administrative determination made following such hearing shall be reviewable in~~

~~accordance with law consultation with the Committee, after receiving notification of such failure and/or deficiencies from the County.~~

#### § 26-12. Waiver

~~E. A.~~ A. Where it appears that a contractor, after making its best efforts, cannot comply with ~~the~~ minority and women-owned business enterprise participation requirements set forth in a particular County contract, a contractor may file a written application with the ~~County Director~~ requesting a partial or total waiver of such requirements setting forth the reasons for the contractor's inability to meet any or all of the participation requirements and an explanation of the efforts undertaken by the contractor to obtain the required ~~minority and women-owned business enterprise participation of certified businesses~~. In implementing the provisions of this section, the ~~County Director~~ shall consider the number and types of ~~minority and women-owned business~~ certified businesses located in the County, the total dollar value of the County contract, the scope of work to be performed, and the project size and term. Based on such considerations, if the ~~County Director~~ determines there is not a reasonable availability of contractors on the list of certified businesses to furnish services for the project, ~~it shall~~ the Director may issue a waiver of compliance to the contractor. ~~In making such determination, the County shall first consider the availability of other business enterprises located in the County and shall thereafter consider the financial ability of certified businesses located in the County to perform the County contract.~~

~~F.~~ B. For purposes of determining if a contractor has used best efforts to comply with the requirements of this section or is entitled to a waiver, the ~~County Director~~ shall consider:

1. Whether the contractor has advertised in general circulation media, trade association ~~publications, and minority focus, /or publications focused on minorities or women-focus, and~~ in such event:
  - a. whether or not certified businesses which have been solicited by the contractor exhibited interest in submitting proposals for a particular project by attending a pre-bid conference; and
  - b. whether certified businesses which have been solicited by the contractor have responded in a timely fashion to the contractor's solicitations for timely competitive bid quotations prior to the County's bid date; and
2. Whether there has been written notification to appropriate certified businesses that appear in the directory of certified businesses prepared pursuant to § 26-5 of this ~~article~~ chapter; and
3. Whether the contractor can reasonably structure the amount of work to be performed under subcontracts in order to increase the likelihood of participation by certified businesses.

~~G.~~ C. In the event that the ~~County Director~~ fails or refuses to issue a requested waiver to a contractor within 30 days of the application therefor ~~pursuant to Subsection E of this section, or if the County Director denies such application in whole or in part, the contractor may file a complaint~~ an appeal with the ~~Director, or the Committee, setting forth the facts and circumstances giving rise to the contractor's complaint together with a demand for relief.~~ appeal. The contractor shall serve a copy of such ~~complaint~~ appeal upon the ~~County Director and the Committee~~ by personal service or by certified mail, return receipt requested. ~~The County Director shall be afforded an opportunity to respond to such the appeal in writing. The Committee shall render its decision on the appeal within 30 days of being served with the appeal.~~

#### § 26-13. Enforcement

~~H. If, after the review of a contractor's utilization plan~~ Upon receipt of a complaint that a contractor has violated this chapter, including but not limited to a failure or review of a periodic compliance report and after such contractor has been afforded an opportunity to respond to a notice of deficiency issued by the County in connection therewith, it appears that a contractor is failing or refusing refusal to comply with minority and women-owned business enterprise participation requirements as set forth in the County contract and where no waiver from such requirements has been granted, the County may file a written complaint with the Director, or the Committee, shall send a notice of such deficiency to said contractor setting forth the facts and circumstances giving rise to the County's complaint together with a demand for relief. The County shall serve a copy of such complaint upon. If the contractor by personal service or by certified mail, return receipt requested. The contractor fails to cure or otherwise address the complaint within fifteen (15) days of receiving notice thereof, the County shall be afforded an opportunity to respond to such complaint in writing

~~§ 26-11. Enforcement~~

Upon receipt of a complaint by that a contractor has violated the provisions of a County contract, which have been included to comply with the provisions of this article, the Director, in conjunction with the Committee, shall attempt to resolve the matter giving rise to such complaint within 30 days of receipt of the complaint. If efforts to resolve such matter to the satisfaction of all parties are unsuccessful, the matter shall be immediately referred to the Department of Law for appropriate action, including, but not limited to, withholding payment due under the contract, or cancellation, termination or suspension of the right to cancel, terminate, or suspend the contract in whole or in part, and/or seek any other remedy afforded to the County in law or in equity.

~~§ 26-12~~ 14. Report

The County Executive, or their designee, shall file a report with the County Legislature no later than April 1st of each year, which details the levels of participation for minority and women-owned business enterprise certified businesses in County contracts for the prior year. The report shall include the name of each project funded County contract, the total dollars spent paid value for the project each contract, and total dollars spent with minority and women-owned certified businesses, respectively.

~~§ 26-13~~ 15. Severability:

If any clause, sentence, paragraph, section or article chapter of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such determination shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or article chapter thereof directly involved in the proceeding in which such adjudication shall have been rendered. This local law shall not supersede any other state or federal laws, rules, or contractual obligations that exceed the goals set forth under § 26-7.

Agenda/Charter Committee – Discharged to Legislature  
File No. 20-0340.LL

ADOPTION: Date: \_\_\_\_\_

Vote: \_\_\_\_\_



18.

By Legislators Flagler-Mitchell and Feider

Intro. No. \_\_\_\_\_

MOTION NO. \_\_\_\_\_ OF 2021

**PROVIDING THAT LOCAL LAW (INTRO. NO. \_\_ OF 2021), ENTITLED "GANTT'S LAW FOR UTILIZATION OF MINORITY AND WOMEN-OWNED BUSINESSES," BE TABLED**

BE IT MOVED, that Local Law (Intro. No. \_\_\_\_\_ of 2021), entitled "GANTT'S LAW FOR UTILIZATION OF MINORITY AND WOMEN-OWNED BUSINESSES," be tabled.

File No. 20-0340.LL

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

By Legislators Flagler-Mitchell and Felder

Intro. No. \_\_\_\_\_

RESOLUTION NO. \_\_\_ OF 2021

**FIXING A PUBLIC HEARING ON LOCAL LAW (INTRO. NO. \_\_\_ OF 2021), ENTITLED "GANTT'S LAW FOR UTILIZATION OF MINORITY AND WOMEN-OWNED BUSINESSES"**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. That there will be a public hearing at 6:17 P.M. on the 8th day of June, 2021, in the Legislative Chambers in the County Office Building, Rochester, New York on Local Law (Intro. No. \_\_\_ of 2021), entitled "GANTT'S LAW FOR UTILIZATION OF MINORITY AND WOMEN-OWNED BUSINESSES"

Section 2. The Clerk of the Legislature is directed to give notice of the time and place of this public hearing, and a description of the proposed local law, to the news media within the County, and shall conspicuously post a copy of said notice in the office of the Clerk at least five days before said hearing. In addition, the Clerk shall cause said notice to be published once in the official newspapers of general circulation within the County at least five days before said hearing.

Section 3. This resolution shall take effect immediately.

Agenda/Charter Committee – Discharged to Legislature  
File No. 20-0340.LL

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

By Legislators Dondorfer and Delehanty

Intro. No. \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_ OF 2021

**ACCEPTING GRANT FROM FEDERAL AVIATION ADMINISTRATION (CORONAVIRUS RESPONSE AND RELIEF SUPPLEMENTAL APPROPRIATIONS ACT GRANT PROGRAM) RELATED TO OPERATION AND MAINTENANCE OF THE FREDERICK DOUGLASS - GREATER ROCHESTER INTERNATIONAL AIRPORT**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. The County Executive, or his designee, is hereby authorized to accept a \$5,113,191 grant from, and to execute a contract and any amendments thereto with, the Federal Aviation Administration (Coronavirus Response and Relief Supplemental Appropriations Act Grant Program) for payment of expenses needed to operate and maintain the Frederick Douglass - Greater Rochester International Airport.

Section 2. The County Executive is hereby authorized to appropriate any subsequent years of the grant award in accordance with the grant terms, to reappropriate any unencumbered balances during the grant period according to the grantor requirements, and to make any necessary funding modifications within the grant guidelines to meet contractual commitments.

Section 3. Should funding of this program be modified or terminated for any reason, the County Executive is hereby authorized to terminate or modify the program and, where applicable, to terminate or abolish some or all positions funded under such program. Any termination or abolishment of positions shall be in accordance with New York State Civil Service Law and, when applicable, the terms of any labor agreement affecting such positions.

Section 4. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0130

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_

By Legislators Yudelson, Delehanty and Ancello

Intro. No. \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_ OF 2021

**AUTHORIZING CONTRACT WITH ENERGY IMPROVEMENT CORPORATION TO ADMINISTER ENERGIZE NY OPEN C-PACE PROGRAM**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. The County Executive, or his designee, is hereby authorized to execute a contract, and any amendments thereto, with Energy Improvement Corporation, or any subsidiary or successor, to administer the Open C-PACE program for a period of ten (10) years commencing on or about July 1, 2021, with the option to renew for two (2) additional five-year terms.

Section 3. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

File No. 21-0131

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_

Intro. No. \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_ OF 2021

**AUTHORIZING CONTRACTS WITH TESTA CONSTRUCTION INC., POSTLER & JAECKLE CORP., LANDRY MECHANICAL CONTRACTORS INC., AND BILLITIER ELECTRIC, INC. FOR MONROE COMMUNITY COLLEGE FINGER LAKES WORKFORCE DEVELOPMENT CENTER PROJECT**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. The County Executive, or his designee, is hereby authorized to execute a contract with Testa Construction Inc. in the amount of \$2,412,500 for general construction for the Monroe Community College Finger Lakes Workforce Development Center Project, and any amendments necessary to complete the project within the total capital fund(s) appropriation.

Section 2. The County Executive, or his designee, is hereby authorized to execute a contract with Postler & Jaeckle Corp. in the amount of \$483,700 for plumbing construction for the Monroe Community College Finger Lakes Workforce Development Center Project, and any amendments necessary to complete the project within the total capital fund(s) appropriation.

Section 3. The County Executive, or his designee, is hereby authorized to execute a contract with Landry Mechanical Contractors Inc. in the amount of \$1,968,700 for mechanical and heating, ventilation, and air conditioning construction for the Monroe Community College Finger Lakes Workforce Development Center Project, and any amendments necessary to complete the project within the total capital fund(s) appropriation.

Section 4. The County Executive, or his designee, is hereby authorized to execute a contract with Billitier Electric, Inc. in the amount of \$1,318,100 for electrical construction for the Monroe Community College Finger Lakes Workforce Development Center Project, and any amendments necessary to complete the project within the total capital fund(s) appropriation.

Section 5. Funding for this project, consistent with authorized uses, is included in capital fund 1939 and any capital fund(s) created for the same intended purpose.

Section 6. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0132

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_

20.

By Legislators Dondorfer and Delehanty

Intro. No. \_\_\_\_

RESOLUTION NO. \_\_\_\_ OF 2021

**AMENDING 2021-2026 CAPITAL IMPROVEMENT PROGRAM TO ADD PROJECT ENTITLED "SPACE UTILIZATION AND RENOVATION OF CITYPLACE"**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. The 2021-2026 Capital Improvement Program is hereby amended to add a project entitled "Space Utilization and Renovation of CityPlace" in the amount of \$9,000,000.

Section 2. Funding for this project, consistent with authorized uses, will be included in the capital fund to be created and any other capital fund(s) created for the same intended purpose.

Section 3. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 26-2  
File No. 21-0133

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_

By Legislators Dondorfer and Delehanty

Intro. No. \_\_\_\_

RESOLUTION NO. \_\_\_\_ OF 2021

BOND RESOLUTION DATED MAY 11, 2021

**RESOLUTION AUTHORIZING THE ISSUANCE OF \$9,000,000 BONDS OF THE COUNTY OF MONROE, NEW YORK, TO FINANCE THE COST OF SPACE UTILIZATION AND RENOVATION OF CITYPLACE IN AND FOR SAID COUNTY, AT AN ESTIMATED MAXIMUM COST OF \$9,000,000**

BE IT RESOLVED BY THE AFFIRMATIVE VOTE OF NOT LESS THAN TWO-THIRDS OF THE TOTAL VOTING STRENGTH OF THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. For the object or purpose of financing the cost of Space Utilization and Renovation of CityPlace, in and for the County of Monroe, New York (the "County"), there are hereby authorized to be issued \$9,000,000 bonds of the County, pursuant to the provisions of the Local Finance Law. The duly adopted current Capital Budget of the County, to the extent inconsistent herewith, is hereby amended to provide for the appropriation of the amount hereby authorized to pay the cost of the aforesaid specific object or purpose. The period of probable usefulness of the aforesaid specific object or purpose is twenty-five (25) years, pursuant to subdivision 12(a)(1) of paragraph a of Section 11.00 of the Local Finance Law.

Section 2. The maximum estimated cost thereof is \$9,000,000, and the plan for the financing thereof is by the issuance of \$9,000,000 bonds of said County herein authorized; provided, however, that to the extent any state and/or federal aid and/or grant and/or gift is received for the aforesaid purpose, such aid shall be used to redeem any outstanding indebtedness incurred for such purpose or shall be applied, dollar for dollar, to reduce the amount of bonds to be issued for such purpose.

Section 3. The faith and credit of the County are hereby irrevocably pledged for the payment of the principal of and interest on such obligations 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 obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell the bonds and 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 Director of Finance - Chief Financial Officer, the chief fiscal officer of the County under the Local Finance Law. The Director of Finance - Chief Financial Officer may sell such bonds or notes at public or private sale, at a discount or premium, at fixed or variable rates of interest or at no interest whatsoever, or as capital appreciation bonds, and with such amortization of principal as the Director of Finance - Chief Financial Officer shall determine is most favorable to the County, and in compliance with any rules of the State Comptroller applicable thereto. Such bonds or notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Director of Finance - Chief Financial Officer, consistent with the provisions of the Local Finance Law. The Director of Finance - Chief Financial Officer may, in the event it is determined to issue variable rate bonds or notes, enter into such agreements as said officer finds reasonable to facilitate the issuance, sale, resale and repurchase of such bonds or notes, as authorized under Section 54.90 of the Local Finance Law.

The Director of Finance - Chief Financial Officer is also authorized to enter into such agreements and take such other action as may be necessary or appropriate and lawful to assure that, to the extent possible, (i) interest on the bonds and notes authorized hereby will not be includable in the gross income, for federal income tax purposes, of the recipients thereof, and (ii) to enable the purchaser thereof to comply with Securities and Exchange Commission Rule 15c2-12. The Director of Finance - Chief Financial Officer is hereby further delegated all powers of this County Legislature with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for such bonds or notes, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

Section 5. All other matters, except as provided herein, relating to such bonds or notes, including prescribing whether manual or facsimile signatures shall appear on said bonds or notes, prescribing the method for the recording of ownership of said bonds or notes, appointing the fiscal agent or agents for said bonds or notes, providing for the printing and delivery of said bonds or notes (and if said bonds or notes are to be executed in the name of the County by only facsimile signatures, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, form, denominations, maturities, interest rate or rates, terms of and manner of sale and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Director of Finance - Chief Financial Officer. The Director of Finance - Chief Financial Officer may elect to become the fiscal agent for the bonds or notes, or may contract on behalf of the County for this service pursuant to the Local Finance Law. Such bonds or notes 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 52.00 of the Local Finance Law, as the Director of Finance - Chief Financial Officer shall determine.

Section 6. The validity of such bonds and bond anticipation notes, as authorized by this resolution, may be contested only if:

- 1) such obligations are authorized for an object or purpose for which said County 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 (20) days after the date of such publication, or
- 3) such obligations are authorized in violation of the provisions of the Constitution.

Section 7. This resolution shall constitute a statement of official intent for purposes of Section 1.150-2 of the Treasury Regulations. 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 objects or purposes described herein.

Section 8. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter and the Clerk of the Legislature is hereby authorized and directed to publish this resolution or a summary hereof to be published, together with a notice attached in substantially the form and in the manner prescribed by Section 81.00 of the Local Finance Law.

Committee of the Whole; April 27, 2021 - CV: 26-2  
File No. 21-0133.br



21.3

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_

By Legislators Dondorfer and Delehanty

Intro. No. \_\_\_\_

RESOLUTION NO. \_\_\_\_ OF 2021

**ACCEPTING GRANTS FROM NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION FOR ZERO EMISSION VEHICLE INFRASTRUCTURE PROJECT**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. The County Executive, or his designee, is hereby authorized to accept grants in the total amount of \$204,000 from the New York State Department of Environmental Conservation for the Zero Emission Vehicle Infrastructure Project.

Section 2. The 2021 operating budget of the Department of Environmental Services is hereby amended by appropriating the sum of \$204,000 into internal services fund 9020, funds center 8675010000 Fleet Maintenance.

Section 3. These grants require a 20% local match. Funding for this match is included in the 2021 operating budget of the Department of Environmental Services, internal services fund 9020, funds center 8675010000, Fleet Maintenance.

Section 4. The County Executive is hereby authorized to appropriate any subsequent years of the grant awards in accordance with the grant terms, to reappropriate any unencumbered balances during the grant period according to the grantor requirements, and to make any necessary funding modifications within the grant guidelines to meet contractual commitments.

Section 5. Should funding for this program be modified or terminated for any reason, the County Executive is hereby authorized to terminate or modify the program and where applicable, to terminate or abolish some or all positions funded under such program. Any termination or abolishment of positions shall be in accordance with New York State Civil Service Law, and when applicable, the terms of any labor agreement affecting such positions.

Section 6. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0134

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_

By Legislators Boyce and Delehanty

Intro. No. \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_ OF 2021

AMENDING RESOLUTION 122 OF 2017 AS AMENDED BY RESOLUTION 113 OF 2018 EXTENDING AND INCREASING CONTRACT WITH WORKFIT MEDICAL, LLC FOR SHERIFF'S EMPLOYEES' MEDICAL SERVICES

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. Section 1 of Resolution 122 of 2017, as amended by Resolution 113 of 2018, is amended as follows:

The County Executive, or ~~her~~his designee, is hereby authorized to execute a contract, and any amendments thereto, with WorkFit Medical, LLC, for Sheriff's employees' medical services, in an amount not to exceed \$160,000, for the period of May 1, 2017 through April 30, 2018, with the option to renew for ~~two (2) additional one year terms, in an amount not to exceed \$160,000 per year~~the periods of May 1, 2018 through April 30, 2019 in an amount not to exceed \$160,000, and of May 1, 2019 through October 31, 2020 in an amount not to exceed \$201,000.

Section 2. Funding for this amendment is included in the 2021 operating budget of the Sheriff's Office, fund 9001, funds center 3806010000.

Section 3. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0135

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_

Added language is underlined  
Deleted language is ~~stricken~~

By Legislators Boyce and Delchanty

Intro. No. \_\_\_\_

RESOLUTION NO. \_\_\_\_ OF 2021

**AUTHORIZING CONTRACT WITH ROBERTS WESLEYAN COLLEGE FOR ROCHESTER THREAT ADVISORY COMMITTEE PROGRAM MANAGEMENT**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. The County Executive, or his designee, is hereby authorized to execute a contract, and any amendments thereto, with Roberts Wesleyan College for Rochester Threat Advisory Committee Program Management in the amount of \$117,000 for the period of January 1, 2021 through December 31, 2022.

Section 2. Funding for this contract is included in the 2021 Operating Budget of the Sheriff's Office, general fund 9300, funds center 3803010000, Police Bureau Administration.

Section 3. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0136

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_

25.

By Legislators Boyce and Delehanty

Intro. No. \_\_\_\_

RESOLUTION NO. \_\_\_\_ OF 2021

**ACCEPTING GRANT FROM UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES MARSHALS SERVICE WESTERN DISTRICT OF NEW YORK FOR THE UNITED STATES MARSHALS SERVICE NY/NJ REGIONAL FUGITIVE TASK FORCE - ROCHESTER DIVISION**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. The County Executive, or his designee, is hereby authorized to accept a grant in an amount not to exceed \$40,000 and to execute a contract, and any amendments thereto, with the United States Department of Justice, United States Marshals Service Western District of New York for the reimbursement of overtime for the United States Marshals Service New York/New Jersey Regional Fugitive Task Force-Rochester Division for the period of October 1, 2020 through September 30, 2021.

Section 2. The 2021 operating budget of the Office of the Sheriff is hereby amended by appropriating the sum of \$40,000 into general fund 9300, funds center 3803010000, Police Bureau Administration.

Section 3. The County Executive is hereby authorized to appropriate any subsequent years of the grant award in accordance with the grant terms, to reappropriate any unencumbered balances during the grant period according to the grantor requirements, and to make any necessary funding modifications within the grant guidelines to meet contractual commitments.

Section 4. Should funding of this program be modified or terminated for any reason, the County Executive is hereby authorized to terminate or modify the program and, where applicable, to terminate or abolish some or all positions funded under such program. Any termination or abolishment of positions shall be in accordance with New York State Civil Service Law and, when applicable, the terms of any labor agreement affecting such positions.

Section 5. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0137

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_

By Legislators Boyce and Delehanty

Intro. No. \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_ OF 2021

**ACCEPTING GRANT FROM NEW YORK STATE OFFICE OF INDIGENT LEGAL SERVICES FOR OFFICES OF PUBLIC DEFENDER AND CONFLICT DEFENDER FOR PROVISION OF INDIGENT LEGAL SERVICES**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. The County Executive, or his designee, is hereby authorized to accept a \$3,184,755 grant from, and to execute a contract and any amendments thereto with, the New York State Office of Indigent Legal Services for the Office of the Monroe County Public Defender and the Office of the Monroe County Conflict Defender for the provision of indigent legal services for the period of January 1, 2021 through December 31, 2023.

Section 2. The 2021 operating budget of the Office of the Public Defender is hereby amended by appropriating the sum of \$780,865, into general fund 9300, funds center 2601010000, Public Defender Administration.

Section 3. The 2021 operating budget of the Department of Public Safety is hereby amended by appropriating the sum of \$280,720 into general fund 9300, funds center 2402010000, Legal Representation.

Section 4. The County Executive is hereby authorized to appropriate any subsequent years of the grant award in accordance with the grant terms, to reappropriate any unencumbered balances during the grant period according to the grantor requirements, and to make any necessary funding modifications within the grant guidelines to meet contractual commitments.

Section 5. Should funding of this program be modified or terminated for any reason, the County Executive is hereby authorized to terminate or modify the program and, where applicable, to terminate or abolish some or all positions funded under such program. Any termination or abolishment of positions shall be in accordance with New York State Civil Service Law and, when applicable, the terms of any labor agreement affecting such positions.

Section 6. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0138

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_

By Legislators Boyce and Delehanty

Intro. No. \_\_\_\_

RESOLUTION NO. \_\_\_\_ OF 2021

**AUTHORIZING CREATION OF THREE (3) NEW POSITIONS IN THE PUBLIC DEFENDER'S OFFICE AND AUTHORIZING CREATION OF NINE (9) NEW POSITIONS IN CONFLICT DEFENDER'S OFFICE AS PART OF YEAR 3 FUNDING OF STATEWIDE EXPANSION OF THE HURRELL-HARRING PROJECT GRANT**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. The County Executive, or his designee, is hereby authorized to create three (3) new positions in the Public Defender's Office as part of year 3 funding of the Statewide Expansion of the Hurrell-Harring Project Grant as follows: three (3) Public Defender Assistant Grade I, Group 19.

Section 2. The County Executive, or his designee, is hereby authorized to create nine (9) new positions in the Conflict Defender's Office and as part of year 3 funding of the Statewide Expansion of the Hurrell-Harring Project Grant as follows: one (1) Special Assistant Conflict Defender, Group 22; four (4) Assistant Conflict Defender Grade I, Group 18; and four (4) Assistant Conflict Defender Grade II, Group 17.

Section 3. Funding for these positions is included in the 2021 operating budget of the Public Defender's Office, general fund 9300, funds center 2601010000, Public Defender Administration and the 2021 operating budget of the Department of Public Safety, general fund 9300, funds center 2402010000, Legal Representation.

Section 4. Should funding of this program be modified or terminated for any reason, the County Executive is hereby authorized to terminate or modify the program and, where applicable, to terminate or abolish some or all positions funded under such program. Any termination or abolishment of positions shall be in accordance with New York State Civil Service Law and, when applicable, the terms of any labor agreement affecting such positions.

Section 5. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0139

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_

By Legislators Boyce, Ancello and Delehanty

Intro. No. \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_ OF 2021

**AUTHORIZING INTERMUNICIPAL AGREEMENT WITH CITY OF ROCHESTER TO ACCEPT PASS THROUGH FUNDING FROM UNITED STATES DEPARTMENT OF JUSTICE FOR 2020 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. The County Executive, or his designee, is hereby authorized to execute an intermunicipal agreement, and any amendments thereto, with the City of Rochester to accept pass through funding from the United States Department of Justice in the amount of \$64,310 for the 2020 Edward Byrne Memorial Justice Assistance Grant Program for the period of October 1, 2019 through September 30, 2023.

Section 2. Funding for this grant is included in the 2021 operating budget of the Department of Public Safety, Office of Probation and Community Corrections, general fund 9001, funds center 2403040000, General Supervision.

Section 3. The County Executive is hereby authorized to appropriate any subsequent years of the grant award in accordance with the grant terms, to reappropriate any unencumbered balances during the grant period according to the grantor requirements, and to make any necessary funding modifications within the grant guidelines to meet contractual commitments.

Section 4. Should funding of this program be modified or terminated for any reason, the County Executive is hereby authorized to terminate or modify the program and, where applicable, to terminate or abolish some or all positions funded under such program. Any termination or abolishment of positions shall be in accordance with New York State Civil Service Law and, when applicable, the terms of any labor agreement affecting such positions.

Section 5. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0140

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_



By Legislators Boyce and Delehanty

Intro. No. \_\_\_\_

RESOLUTION NO. \_\_\_\_ OF 2021

ACCEPTING GRANT FROM UNITED STATES DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, FOR FY2020 DNA CAPACITY ENHANCEMENT AND BACKLOG REDUCTION PROGRAM

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. The County Executive, or his designee, is hereby authorized to accept a \$339,396 grant from, and to execute a contract and any amendments thereto with, the United States Department of Justice, Office of Justice Programs, for the FY2020 DNA Capacity Enhancement and Backlog Reduction Program for the period of October 1, 2020 through September 30, 2022.

Section 2. The 2021 operating budget of the Department of Public Safety is hereby amended by appropriating the sum of \$339,396 into general fund 9300, funds center 2408040100, Monroe County Crime Laboratory.

Section 3. The County Executive is hereby authorized to appropriate any subsequent years of the grant award in accordance with the grant terms, to reappropriate any unencumbered balances during the grant period according to the grantor requirements, and to make any necessary funding modifications within the grant guidelines to meet contractual commitments.

Section 4. Should funding of this program be modified or terminated for any reason, the County Executive is hereby authorized to terminate or modify the program and, where applicable, to terminate or abolish some or all positions funded under such program. Any termination or abolishment of positions shall be in accordance with New York State Civil Service Law and, when applicable, the terms of any labor agreement affecting such positions.

Section 5. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0141

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_

By Legislators Boyce and Delehanty

Intro. No. \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_ OF 2021

**ACCEPTING GRANT FROM NEW YORK STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES FOR FY2020 STATE LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. The County Executive, or his designee, is hereby authorized to accept a \$170,000 grant from, and to execute a contract and any amendments thereto with, the New York State Division of Homeland Security and Emergency Services for the FY2020 State Law Enforcement Terrorism Prevention Program for the period of September 1, 2020 through August 31, 2023.

Section 2. The 2021 operating budget of the Department of Public Safety is hereby amended by appropriating the sum of \$170,000 into general fund 9300, funds center 2408030100, Office of Emergency Management.

Section 3. The County Executive, or his designee, is hereby authorized to approve and accept a \$284,500 grant from, and to execute a contract and any amendments thereto with, the New York State Division of Homeland Security and Emergency Services for the FY2020 State Law Enforcement Terrorism Prevention Program for the period of September 1, 2020 through August 31, 2023.

Section 4. The 2021 operating budget of the Office of the Sheriff is hereby amended by appropriating the sum of \$284,500 into general fund 9300, funds center 3803010000, Police Bureau Administration.

Section 5. The County Executive is hereby authorized to appropriate any subsequent years of the grant awards in accordance with the grant terms, to reappropriate any unencumbered balances during the grant periods according to the grantor requirements, and to make any necessary funding modifications within grant guidelines to meet contractual requirements.

Section 6. Should funding of these programs be modified or terminated for any reason, the County Executive is hereby authorized to terminate or modify the program and, where applicable, to terminate or abolish some or all positions funded under such program. Any termination or abolishment of positions shall be in accordance with New York State Civil Service Law and, when applicable, the terms of any labor agreement affecting such positions.

Section 7. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0142

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_

By Legislators Boyce and Delehanty

Intro. No. \_\_\_\_

RESOLUTION NO. \_\_\_\_ OF 2021

**AUTHORIZING CONTRACT WITH UNIVERSITY OF ROCHESTER FOR CONTINUING DEVELOPMENT AND SUSTAINMENT OF COUNTY'S MEDICAL COUNTERMEASURE PROGRAM**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. The County Executive, or his designee, is hereby authorized to execute a contract, and any amendments thereto, with the University of Rochester for the continuing development and sustainment of the County's Medical Countermeasure Program in an amount not to exceed \$60,000 for the period of July 1, 2021 through February 28, 2022.

Section 2. Funding for this contract is included in the 2021 operating budget of the Department of Public Safety, general fund 9300, funds center 2408030100, Office of Emergency Management.

Section 3. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0143

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_

By Legislators Boyce, Ancello and Delehanty

Intro. No. \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_ OF 2021

**AMENDING RESOLUTION 284 OF 2020 TO EXTEND TIME PERIOD OF INTERMUNICIPAL AGREEMENT WITH CITY OF ROCHESTER FOR FY2016 COMPLEX COORDINATED TERRORIST ATTACK GRANT**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. Section 1 of Resolution 284 of 2020 is amended as follows:

The County Executive, or his designee, is hereby authorized to execute an intermunicipal agreement, and any amendments thereto, with the City of Rochester in an amount not to exceed \$8,250, as reimbursement to the Rochester Police Department for participation in the County's FY2016 Complex Coordinated Terrorist Attack Grant Program, for the period of August 1, 2020 through May 31, 2021-2022.

Section 2. Funding for this agreement is included in the 2021 operating budget of the Department of Public Safety, general fund 9300, funds center 2408030100, Office of Emergency Management.

Section 3. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0144

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_

Added language is underlined  
Deleted language is ~~stricken~~

By Legislators Wilt and Delehanty

Intro. No. \_\_\_\_

RESOLUTION NO. \_\_\_\_ OF 2021

**AUTHORIZING CONTRACTS WITH COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY AND ENVIRONMENTAL DESIGN & RESEARCH, LANDSCAPE ARCHITECTURE, ENGINEERING & ENVIRONMENTAL SERVICES, DPC FOR PROFESSIONAL SERVICES FOR MONROE COUNTY COMPREHENSIVE PLAN**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. The County Executive is hereby authorized to execute a contract, and any amendments thereto, with the County of Monroe Industrial Development Agency to accept \$200,000 for general planning services for the period of June 1, 2021 through May 31, 2023.

Section 2. The 2021 operating budget of the Department of Planning and Development is hereby amended by appropriating the sum of \$200,000 into general fund 9300, funds center 1401010000, Planning Services.

Section 3. The County Executive is hereby authorized to execute a contract, and any amendments thereto, with Environmental Design & Research, Landscape Architecture, Engineering & Environmental Services, DPC in the amount of \$184,953 for professional consulting services for the Monroe County Comprehensive Plan for the period of June 1, 2021 through May 31, 2023, with the option to renew for one (1) year at no additional cost.

Section 4. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0145

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_

By Legislators Ancello, Smith and Delehanty

Intro. No. \_\_\_\_

RESOLUTION NO. \_\_\_\_ OF 2021

**AUTHORIZING INTERMUNICIPAL AGREEMENT WITH CITY OF ROCHESTER TO PROVIDE WATER QUALITY MONITORING FOR BEACH AT DURAND EASTMAN PARK**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. The County Executive, or his designee, is hereby authorized to execute an intermunicipal agreement, and any amendments thereto, with the City of Rochester for Monroe County to provide water quality monitoring for the beach at Durand Eastman Park in an amount not to exceed \$10,000 for the period of January 1, 2021 through December 31, 2021, with two (2) one-year options to renew at Monroe County's discretion.

Section 2. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0146

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_

By Legislators Colby and Delehanty

Intro. No. \_\_\_\_

RESOLUTION NO. \_\_\_\_ OF 2021

**AUTHORIZING CONTRACT WITH GREENMAN-PEDERSEN, INC. FOR ENGINEERING SERVICES**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. The County Executive, or his designee, is hereby authorized to execute a contract with Greenman-Pedersen, Inc. in the amount of \$389,957.85 for engineering services for the Highway Lighting Rehabilitation – Central Project in the City of Rochester and the Towns of Chili and Gates, and any amendments necessary to complete the project within the total capital fund(s) appropriation.

Section 2. Funding for this contract, consistent with authorized uses, will be available in capital fund 1992 once the additional financing authorization herein is approved and in any other capital fund(s) created for the same intended purpose.

Section 3. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0147

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_

36.1

By Legislators Colby and Delehanty

Intro. No. \_\_\_\_

RESOLUTION NO. \_\_\_\_ OF 2021

SUPERSEDING BOND RESOLUTION DATED MAY 11, 2021

**RESOLUTION AUTHORIZING THE ISSUANCE OF \$400,000 BONDS OF THE COUNTY OF MONROE, NEW YORK, TO FINANCE THE COST OF THE EXPRESSWAY LIGHTING REHABILITATION-CENTRAL, IN AND FOR SAID COUNTY, AT AN ESTIMATED MAXIMUM COST OF \$400,000 AND SUPERSEDING THE BOND RESOLUTION ADOPTED ON DECEMBER 15, 2020 (RESOLUTION NO. 377 OF 2020)**

BE IT RESOLVED BY THE AFFIRMATIVE VOTE OF NOT LESS THAN TWO-THIRDS OF THE TOTAL VOTING STRENGTH OF THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. For the object or purpose of financing the cost of the expressway lighting rehabilitation-central, in and for the County of Monroe, New York (the "County"), there are hereby authorized to be issued \$400,000 bonds of the County, pursuant to the provisions of the Local Finance Law. The duly adopted current Capital Budget of the County, to the extent inconsistent herewith, is hereby amended to provide for the appropriation of an additional \$30,000 to pay the cost of the aforesaid specific object or purpose (\$370,000 having been heretofore appropriated from one or more Capital Budgets). The period of probable usefulness of the aforesaid specific object or purpose is five (5) years, pursuant to subdivision 32 of paragraph a of Section 11.00 of the Local Finance Law.

Section 2. The maximum estimated cost thereof is \$400,000, and the plan for the financing thereof is by the issuance of \$400,000 bonds of said County herein authorized, provided, however, that to the extent any state and/or federal aid and/or grant and/or gift is received for the aforesaid purpose, such aid shall be used to redeem any outstanding indebtedness incurred for such purpose or shall be applied, dollar for dollar, to reduce the amount of bonds to be issued for such purpose.

Section 3. The faith and credit of the County are hereby irrevocably pledged for the payment of the principal of and interest on such obligations 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 obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell the bonds and 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 Director of Finance - Chief Financial Officer, the chief fiscal officer of the County under the Local Finance Law. The Director of Finance - Chief Financial Officer may sell such bonds or notes at public or private sale, at a discount or premium, at fixed or variable rates of interest or at no interest whatsoever, or as capital appreciation bonds, and with such amortization of principal as the Director of Finance - Chief Financial Officer shall determine is most favorable to the County, and in compliance with any rules of the State Comptroller applicable thereto. Such bonds or notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Director of Finance - Chief Financial Officer, consistent with the provisions of the Local Finance Law. The Director of Finance - Chief Financial Officer may, in the event it is determined to issue



variable rate bonds or notes, enter into such agreements as said officer finds reasonable to facilitate the issuance, sale, resale and repurchase of such bonds or notes, as authorized under Section 54.90 of the Local Finance Law. The Director of Finance - Chief Financial Officer is also authorized to enter into such agreements and take such other action as may be necessary or appropriate and lawful to assure that, to the extent possible, (i) interest on the bonds and notes authorized hereby will not be includable in the gross income, for federal income tax purposes, of the recipients thereof, and (ii) to enable the purchaser thereof to comply with Securities and Exchange Commission Rule 15c2-12. The Director of Finance - Chief Financial Officer is hereby further delegated all powers of this County Legislature with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for such bonds or notes, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

Section 5. All other matters, except as provided herein, relating to such bonds or notes, including prescribing whether manual or facsimile signatures shall appear on said bonds or notes, prescribing the method for the recording of ownership of said bonds or notes, appointing the fiscal agent or agents for said bonds or notes, providing for the printing and delivery of said bonds or notes (and if said bonds or notes are to be executed in the name of the County by only facsimile signatures, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, form, denominations, maturities, interest rate or rates, terms of and manner of sale and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Director of Finance - Chief Financial Officer. The Director of Finance - Chief Financial Officer may elect to become the fiscal agent for the bonds or notes, or may contract on behalf of the County for this service pursuant to the Local Finance Law. Such bonds or notes 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 52.00 of the Local Finance Law, as the Director of Finance - Chief Financial Officer shall determine.

Section 6. The validity of such bonds and bond anticipation notes, as authorized by this resolution, may be contested only if:

- 1) such obligations are authorized for an object or purpose for which said County 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 (20) days after the date of such publication, or

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

Section 7. This resolution shall supersede Resolution No. 377 of 2020, being a bond resolution dated December 15, 2020, except to the extent that any indebtedness shall have been contracted or encumbrances made thereunder. The purpose of this superseding bond resolution is to effect the following: to increase the maximum estimated cost of the purpose to \$400,000, and to provide \$400,000 bonds therefor, an increase of \$30,000 over the \$370,000 bonds authorized under Resolution No. 377 of 2020.

Section 8. This resolution shall constitute a statement of official intent for purposes of Section 1.150-2 of the Treasury Regulations. 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 objects or purposes described herein.

Section 9. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter and the Clerk of the Legislature is hereby authorized and directed to publish this resolution or a summary hereof to be published, together with a notice attached in substantially the form and in the manner prescribed by Section 81.00 of the Local Finance Law.

Committee of the Whole; April 27, 2021 – CV: 28-0  
File No. 21-0147.br

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_

By Legislators Colby and Delehanty

Intro. No. \_\_\_\_

RESOLUTION NO. \_\_\_\_ OF 2021

**AUTHORIZING CONTRACT WITH BERGMANN ASSOCIATES, ARCHITECTS, ENGINEERS, LANDSCAPE ARCHITECTS & SURVEYORS, D.P.C. FOR ENGINEERING SERVICES FOR MIDDLE ROAD PROJECT IN TOWN OF HENRIETTA**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. The County Executive, or his designee, is hereby authorized to execute a contract with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. in the amount of \$342,876.63 for engineering services for the Middle Road Project in the Town of Henrietta, and any amendments necessary to complete the project within the total capital fund(s) appropriation

Section 2. Funding for this contract, consistent with authorized uses, is included in capital fund 1995 and in any capital fund(s) created for the same intended purpose.

Section 3. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0148

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_

By Legislators Dondorfer and Wilt

Intro. No. \_\_\_\_

RESOLUTION NO. \_\_ OF 2021

**CLASSIFICATION OF ACTION AND DETERMINATION OF SIGNIFICANCE PURSUANT TO STATE ENVIRONMENTAL QUALITY REVIEW ACT FOR ACQUISITION OF REAL PROPERTY FOR CULVER ROAD HIGHWAY IMPROVEMENT PROJECT AT 4225 CULVER ROAD IN THE TOWN OF IRONDEQUOIT**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. The Monroe County Legislature determines that the acquisition of real property located at 4225 Culver Road in the Town of Irondequoit is an Unlisted Action.

Section 2. The Monroe County Legislature has reviewed and considered the Short Environmental Assessment Form and has considered the potential environmental impacts of the acquisition of real property located at 4225 Culver Road in the Town of Irondequoit pursuant to the requirements of State Environmental Quality Review Act and has found that the proposed action will not result in any significant adverse environmental impacts. The Monroe County Legislature hereby issues and adopts the Negative Declaration attached hereto and made a part hereof and determines that an environmental impact statement is not required.

Section 3. The County Executive, or his designee, is hereby authorized 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.

Section 4. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0149

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_

### Short Environmental Assessment Form Part I - Project Information

#### Instructions for Completion

Part I - Project Information. The applicant or project sponsor is responsible for the completion of Part I. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part I 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 I. 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.

<b>Part I - Project and Sponsor Information</b>			
Name of Action or Project: Acquisition of Permanent Easement at 4225 Culver Road, in the town of Irondequoit			
Project Location (describe, and attach a location map): 4225 Culver Road in the Town of Irondequoit			
Brief Description of Proposed Action: This action is for the acquisition of a Permanent Easement to allow signage necessary along Culver Road at 4225 Culver Road in the Town of Irondequoit.			
Name of Applicant or Sponsor: Monroe County		Telephone: (525) 7531233	
Address: 33 West Main Street		E-Mail:	
City/PO: Rochester		State: New York	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 impacts that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO	YES
		<input checked="" type="checkbox"/>	<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	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		0.019 acres	
b. Total acreage to be physically disturbed?		0.00 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.019 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? b. Consistent with the adopted comprehensive plan?	NO	YES	N A
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<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? Name Not named, Reason Environmentally sensitive, Agency Rochester, City of, Date 3-14 25 If Yes, identify: Durand Eastman Park	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input type="checkbox"/>	<input checked="" 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.	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:	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.	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? 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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<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? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

Shoreline    Forest    Agricultural grasslands    Early mid-successional  
 Wetland    Urban    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?  
 Bald Eagle Least Tern

	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>

16. Is the project site located in the 100-year flood plain?

	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,

a. Will storm water discharges flow to adjacent properties?

	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>

b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?

	NO	YES
	<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., retent on 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 checked="" type="checkbox"/>	<input type="checkbox"/>

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Signature: [Handwritten Signature] Title: Director Real Property Services

PRINT FORM

38.5

# EAF Mapper Summary Report

Thursday, January 14, 2021 9:28 AM

**Steel Run NW**

**Rochester**

052 030-0301-001 002/0000

**Disclaimer:** The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbook. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to consult local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

- Part 1 / Question 7 [Critical Environmental Area] Yes
- Part 1 / Question 7 [Critical Environmental Area - Identify] Name: Not named Reason: Environmentally sensitive, Agency: Rochester, City of, Date: 3-14-86
- Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites] No
- Part 1 / Question 12b [Archeological Sites] Yes
- Part 1 / Question 13a [Wellands or Other Regulated Waterbodies] No
- Part 1 / Question 15 [Threatened or Endangered Animal] Yes
- Part 1 / Question 15 [Threatened or Endangered Animal - Name] Bald Eagle, Least Bittern
- Part 1 / Question 16 [100 Year Flood Plain] No
- Part 1 / Question 20 [Remediation Site] No



38.6

Agency Use Only (If applicable)

Project:

Date:

*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		
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: \_\_\_\_\_  
 Date: \_\_\_\_\_

**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.

The Environmental Mapper indicates that the subject property, or an adjoining property is in an environmentally sensitive area, has been designated as sensitive for archaeological sites and contains a species of animal, or associated habitats listed as threatened or endangered

This action is for the acquisition of the property and does not include the physical alteration nor disturbance of the property. It is limited to the placement of road signs. Therefore, there this action will not result in any significant adverse environment impacts.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will result in significant adverse impacts and an environmental impact statement is required

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

Adam J. Belle \_\_\_\_\_  
 Print or Type Name of Responsible Officer in Lead Agency

\_\_\_\_\_ \_\_\_\_\_  
 Signature of Responsible Officer in Lead Agency Date

\_\_\_\_\_ \_\_\_\_\_  
 Title of Responsible Officer

\_\_\_\_\_ \_\_\_\_\_  
 Signature of Preparer (if different from Responsible Officer)

**PRINT FORM**

By Legislators Colby and Delehanty

Intro. No. \_\_\_\_

RESOLUTION NO. \_\_ OF 2021

**AUTHORIZING ACQUISITION OF INTERESTS IN REAL PROPERTY FOR CULVER ROAD HIGHWAY IMPROVEMENT PROJECT AT 4225 CULVER ROAD IN TOWN OF IRONDEQUOIT**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. The County Executive, or his designee, is hereby authorized to acquire the referenced property interests and execute all documents necessary for the Culver Road Highway Improvement Project at 4225 Culver Road at tax identification number 062.19-1-36 in the Town of Irondequoit by contract and/or the Eminent Domain Procedure Law, along with any amendments for unanticipated damages, within the total capital fund(s) appropriation.

<u>Parcel</u>	<u>Owner</u>	<u>Amount</u>
Map 172 Parcel 1 PE 845 sf 4225 Culver Road T.A. # 062.19-1-36 Town of Irondequoit	Providence Durand Housing Development Fund Company, Inc. 1150 Buffalo Road Rochester, NY 14624	\$1.00

Section 2. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0150

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_

By Legislators Dondorfer and Wilt

Intro. No. \_\_\_\_

RESOLUTION NO. \_\_ OF 2021

**CLASSIFICATION OF ACTION AND DETERMINATION OF SIGNIFICANCE PURSUANT TO STATE ENVIRONMENTAL QUALITY REVIEW ACT FOR ACQUISITION OF REAL PROPERTY FOR ENGLISH ROAD HIGHWAY IMPROVEMENT PROJECT IN THE TOWN OF GREECE**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. The Monroe County Legislature determines that the acquisition of the referenced properties in the Town of Greece is an Unlisted Action.

Section 2. The Monroe County Legislature has reviewed and considered the Short Environmental Assessment Form dated March 2, 2021 and has considered the potential environmental impacts of the acquisition of real property referenced in the Town of Greece pursuant to the requirements of State Environmental Quality Review Act and has found that the proposed action will not result in any significant adverse environmental impacts. The Monroe County Legislature hereby issues and adopts the Negative Declaration attached hereto and made a part hereof and determines that an environmental impact statement is not required.

<u>Parcel</u>	<u>Owner</u>	<u>Amount</u>	
Map 14 Parcel 1 TE 1264 sf 1700 English Road T.A. # 059.01-3-56.11 Town of Greece	1700 English Road LLC Buckingham Properties 259 Alexander Street Rochester, NY 14607	\$700.00	TE
Map 15 Parcel 1 PE 2,314 sf Parcel 2 TE 1,426 sf 1687 English Road T.A. # 059.01-6-8 Town of Greece	English Pines Management. LLC Brian Justice 212 Edgemere Drive Rochester, NY 14612	\$11,800.00 \$700.00	PE TE
Map 16 Parcel 1 TE 1,084 sf 1680 English Road T.A # 059.01-3-56.14 Town of Greece	846 LPR Buckingham Properties 259 Alexander Street Rochester, NY 14607	\$100.00	TE
Map 17 Parcel 1 PE 586 sf Parcel 2 TE 1,273 sg 1677 English Road T.A. #059.01-6-9 Town of Greece	Brian Justice 212 Edgemere Drive Rochester, NY 14612	\$2,000.00 \$200.00	PE TE

40.2

Map 18  
Parcel 1 TE 2,436 sf  
English Road  
T.A. # 059.01-3-55  
Town of Greece

Town of Greece  
1 Vince Tofany Blvd  
Rochester, NY 14612

\$100.00 \* TE  
Waived

Map 19  
Parcel 1 PE 2,250 sf  
18 Old English Drive  
T.A. # 059.11-3-68  
Town of Greece

Ladd D. Dromgold  
Cathy H. Dromgold  
18 Old English Road  
Rochester, NY 14616

\$3,400.00 PE

Map 20  
Parcel 1 PE 378 sf  
Parcel 2 TE 2,034 sf  
English Road  
T.A. # 059.11-1-12  
Town of Greece

Jack R. Ritter  
Aaron S. Ritter  
1300 English Road  
Rochester, NY 14616

\$400.00 PE  
\$200.00 TE

Map 21  
Parcel 1 PE 1,254 sf  
Parcel 2 TE 2,579 sf  
T.A. # 059.11-1-13  
Town of Greece

Jack R. Ritter  
Aaron Ritter  
1300 English Road  
Rochester, NY 14616

\$1,800.00 PE  
\$400.00 TE

Section 3. The County Executive, or his designee, is hereby authorized 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.

Section 4. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0151

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_

### Short Environmental Assessment Form Part I - Project Information

#### Instructions for Completing

Part I - Project Information. The applicant or project sponsor is responsible for the completion of Part I. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part I 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 I. 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.

<b>Part I - Project and Sponsor Information</b>			
Name of Action or Project: English Road Reconstruction Project			
Project Location (describe, and attach a location map): 1700 English Rd 059 01-3-58 11, 1587 English Rd 059 01-6-8, 1530 English Rd 059 01-3-56 14, 1877 English Rd 059 01-6-9, English Rd 059 01-3-55			
Brief Description of Proposed Action: The action is for replacement of a box culvert that allows a class C stream to flow under English Road and easement acquisition for right of way related to this roadwork. Replacement of the culvert will entail removal and reinstallation of a culvert with temporary impacts to the class C stream, that requires a Protection of Waters Permit from the New York State Department of Environmental Conservation. Limited easements will be acquired on several parcels. Temporary Easements for construction work will be needed at 1700, 1587, 1580, and 1677 English Drive. Permanent easements of approximately 68 acres of land will be acquired on 1587 and 1877. Easement acquisition has been requested by New York State Department of Transportation to ensure sufficient right of way to operate and maintain English Road.			
Name of Applicant or Sponsor: Monroe County		Telephone: 525-753-1233	
Address: 39 West Main Street		E-Mail:	
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 of proposed project.		NO	YES
		<input checked="" type="checkbox"/>	<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	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		0.086 acres	
b. Total acreage to be physically disturbed?		0.66 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.056 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 checked="" 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 checked="" type="checkbox"/> Parkland			

5. Is the proposed action,		NO	YES	N/A
a. A permitted use under the zoning regulations?		<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?		NO	YES	
If Yes, identify:		<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	
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 type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?		NO	YES	
If the proposed action will exceed requirements, describe design features and technologies.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public private water supply?		NO	YES	
If No, describe method for providing potable water.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?		NO	YES	
If No, describe method for providing wastewater treatment.		<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 checked="" type="checkbox"/>	<input 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				
Although NYS indicates that PUEH and PFD 1/SS1A may be present on the site. However, based on a site visit on November 23, 2019 confirmed that no federal wetlands or state wetlands are present in the work area. Accordingly, no wetlands will be impacted by this action.				

14 Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

Shoreline    Forest    Agricultural grasslands    Early mid-successional  
 Wetland    Urban    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 plain?

	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>

17. Will the proposed action create storm water discharge, either from point or non-point sources?  
If Yes

a. Will storm water discharges flow to adjacent properties?

	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>

b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?  
If Yes, briefly describe

	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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 checked="" type="checkbox"/>	<input type="checkbox"/>

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOW LEDGE

Applicant/sponsor name: Monroe County, The Municipality      Date: 3-2-21

Signature: [Handwritten Signature]      Title: Director

PRINT FORM



EAF Mapper Summary Report

Thursday, August 6, 2020 12:02 PM

**Disclaimer:** The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbook. Although the EAF Mapper provides the most up-to-date digital data available to DEC you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

Garmin, USGS, Intermap, MICRE, ENTP, NRC, Can, Est, Japan, METI, EIA, China (Hong Kong), Est, Korea, Est, Thailand, NRC, (c) OpenStreetMap contributors, and the GIS User Community

- Part 1 / Question 7 [Critical Environmental Area] No
- Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites] No
- Part 1 / Question 12b [Archeological Sites] No
- Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies] Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook
- Part 1 / Question 15 [Threatened or Endangered Animal] No
- Part 1 / Question 16 [100 Year Flood Plain] Yes
- Part 1 / Question 20 [Remediation Site] No

Agency Use Only (If applicable)

Project:

Date:

**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:		
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: \_\_\_\_\_

Date: \_\_\_\_\_

**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.

The action is for replacement of a box culvert that allows a class C stream to flow under English Road and easement acquisition for right-of-way related to this roadwork. Although, no moderate to large impacts have been identified on the project site, it is host to both a stream and wetlands that need be evaluated for adverse environmental impacts.

Replacement and rehabilitation of the existing box culvert may temporarily impact the stream and wetlands. All disturbance will be temporary, limited to the period of construction, and will not encroach on or permanently alter existing nearby wetlands. Site visits have confirmed that no federal wetlands or state mapped wetlands or wetland checkzones are located in or adjacent to the proposed project and construction area. Additionally, Monroe County anticipates a Protection of Waters Permit to engage in stream disturbance pursuant to New York State Law. Monroe County will follow all requirements to work in the stream, including time constraints, and remedial measures that are required by the New York State Department of Environmental Conservation. Accordingly, after consideration of the potential impacts to the stream and wetlands, it has been determined that no significant adverse environmental impacts from this action will occur.

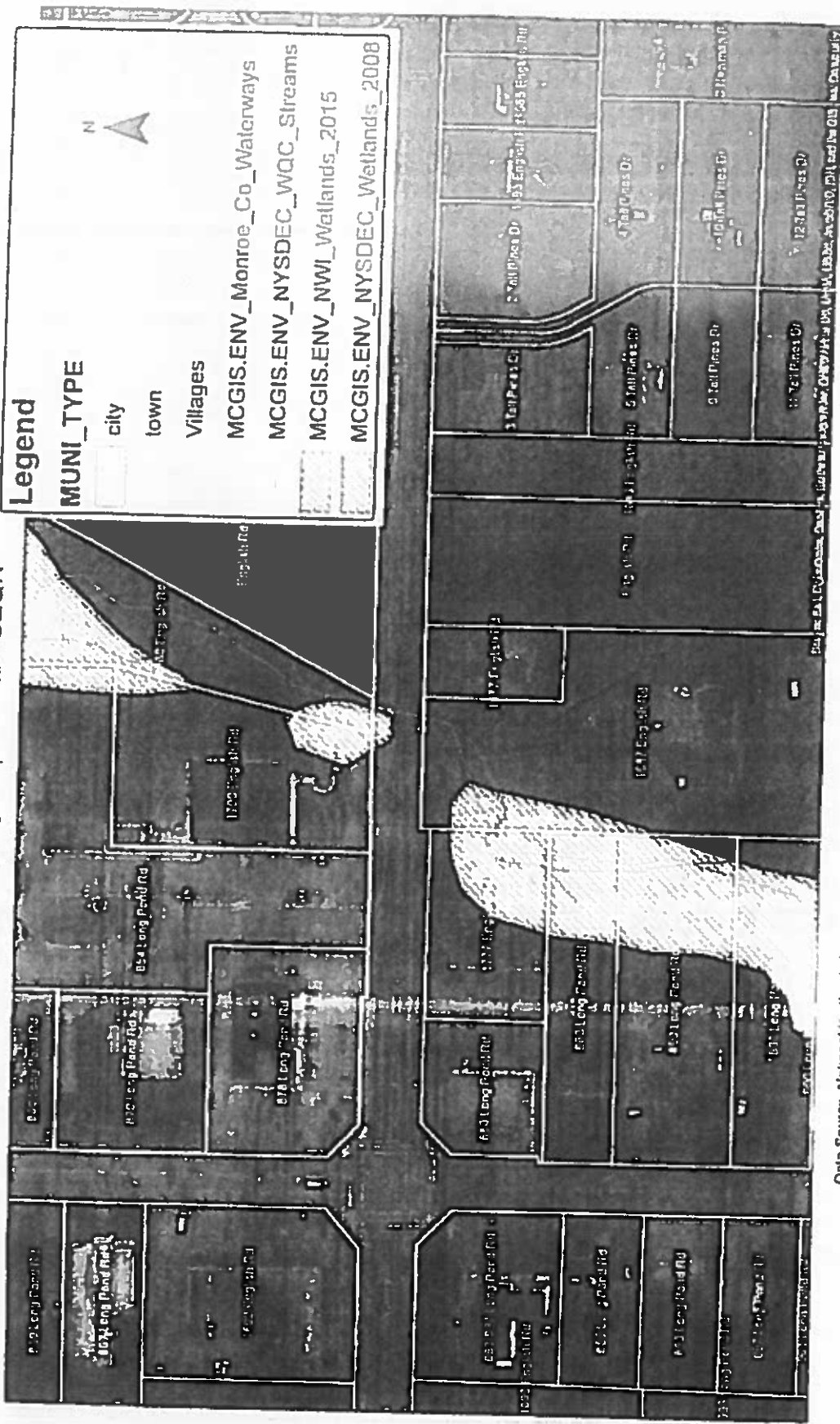
- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in moderate to large or significant adverse environmental impacts and an environmental impact statement is required.
- Check this box if you have 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	
Print or Type Name of Responsible Officer in Lead Agency	County Executive
	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

**PRINT FORM**

1700, 1687, 1680, 1677 English Road Property Acquisitions - SEQR



Data Source: National Wetlands Inventory, 2015; NYSDEC Freshwater Wetlands Map 2008; Monroe County Office of Real Property Services.  
 Map prepared by Monroe County Department of Planning & Development. This map is for GENERAL PLANNING PURPOSE ONLY and is provided without guarantee for any specific or implied use.

By Legislators Colby and Delehanty

Intro. No. \_\_\_\_

RESOLUTION NO. \_\_ OF 2021

AUTHORIZING ACQUISITION OF INTERESTS IN REAL PROPERTY FOR ENGLISH ROAD HIGHWAY IMPROVEMENT PROJECT IN TOWN OF GREECE

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. The County Executive, or his designee, is hereby authorized to acquire the referenced property interests and execute all documents necessary for the English Road Highway Improvement in the Town of Greece by contract and/or the Eminent Domain Procedure Law, along with any amendments for unanticipated damages, within the total capital fund(s) appropriation.

<u>Parcel</u>	<u>Owner</u>	<u>Amount</u>
Map 14 Parcel 1 TE 1264 sf 1700 English Road T.A. # 059.01-3-56.11 Town of Greece	1700 English Road LLC Buckingham Properties 259 Alexander Street Rochester, NY 14607	\$700.00 TE
Map 15 Parcel 1 PE 2,314 sf Parcel 2 TE 1,426 sf 1687 English Road T.A. # 059.01-6-8 Town of Greece	English Pines Management. LLC Brian Justice 212 Edgemere Drive Rochester, NY 14612	\$11,800.00 PE \$700.00 TE
Map 16 Parcel 1 TE 1,084 sf 1680 English Road T.A # 059.01-3-56.14 Town of Greece	846 LPR Buckingham Properties 259 Alexander Street Rochester, NY 14607	\$100.00 TE
Map 17 Parcel 1 PE 586 sf Parcel 2 TE 1,273 sg 1677 English Road T.A. #059.01-6-9 Town of Greece	Brian Justice 212 Edgemere Drive Rochester, NY 14612	\$2,000.00 PE \$200.00 TE
Map 18 Parcel 1 TE 2,436 sf English Road T.A. # 059.01-3-55 Town of Greece	Town of Greece 1 Vince Tofany Blvd Rochester, NY 14612	\$100.00 * TE Waived

41.2

Map 19  
Parcel 1 PE 2,250 sf  
18 Old English Drive  
T.A. # 059.11-3-68  
Town of Greece

Ladd D. Dromgold  
Cathy H. Dromgold  
18 Old English Road  
Rochester, NY 14616

\$3,400.00 PE

Map 20  
Parcel 1 PE 378 sf  
Parcel 2 TE 2,034 sf  
English Road  
T.A. # 059.11-1-12  
Town of Greece

Jack R. Ritter  
Aaron S. Ritter  
1300 English Road  
Rochester, NY 14616

\$400.00 PE  
\$200.00 TE

Map 21  
Parcel 1 PE 1,254 sf  
Parcel 2 TE 2,579 sf  
T.A. # 059.11-1-13  
Town of Greece

Jack R. Ritter  
Aaron Ritter  
1300 English Road  
Rochester, NY 14616

\$1,800.00 PE  
\$400.00 TE

Section 2. Funding for these acquisitions is included in the 2021 operating budget of the Department of Transportation, road fund 9002, funds center 8002050000, Consolidated Local Street and Highway Improvement Program (CHIPS).

Section 3. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0152

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_

42.

By Legislators Smith and Delehanty

Intro. No. \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_ OF 2021

**AUTHORIZING CONTRACT WITH UNIVERSITY OF ROCHESTER MEDICAL CENTER FOR MEDICAL SERVICES FOR MONROE COMMUNITY HOSPITAL**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. This legislative body authorizes a contract with the University of Rochester Medical Center to provide medical services for Monroe Community Hospital in the amount of \$2,501,323 for the period of May 1, 2021 through April 30, 2022, with the option to renew for four (4) additional one-year terms at a rate of increase not to exceed 2.25% per year.

Section 2. Funding for this contract is included in the 2021 operating budget of Monroe Community Hospital, fund 9012, funds center 6205060000, Medical Administration and will be requested in future years' budgets.

Section 3. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0153

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_

By Legislators Dondorfer and Delchanty

Intro. No. \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_ OF 2021

**AMENDING 2021-2026 CAPITAL IMPROVEMENT PROGRAM TO ADD PROJECT ENTITLED "ENERGY IMPROVEMENT EQUIPMENT ACQUISITION"**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. The 2021-2026 Capital Improvement Program is hereby amended to add a project entitled "Energy Improvement Equipment Acquisition" in the amount of \$12,900,000.

Section 2. Funding for this project, consistent with authorized uses, will be included in the capital fund to be created and any other capital fund(s) created for the same intended purpose.

Section 3. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0154

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_



By Legislators Dondorfer and Delehanty

Intro. No. \_\_\_\_

RESOLUTION NO. \_\_\_\_ OF 2021

BOND RESOLUTION DATED MAY 11, 2021

**RESOLUTION AUTHORIZING THE ISSUANCE OF \$12,900,000 BONDS OF THE COUNTY OF MONROE, NEW YORK, TO FINANCE THE COST OF AN ENERGY IMPROVEMENT EQUIPMENT ACQUISITION PROJECT IN AND FOR SAID COUNTY, AT AN ESTIMATED MAXIMUM COST OF \$12,900,000**

BE IT RESOLVED BY THE AFFIRMATIVE VOTE OF NOT LESS THAN TWO-THIRDS OF THE TOTAL VOTING STRENGTH OF THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. For the object or purpose of financing the cost of an Energy Improvement Equipment Acquisition Project, in and for the County of Monroe, New York (the "County"), consisting a various equipment and related improvements originally undertaken through the New York Power Authority, there are hereby authorized to be issued \$12,900,000 bonds of the County, pursuant to the provisions of the Local Finance Law. The duly adopted current Capital Budget of the County, to the extent inconsistent herewith, is hereby amended to provide for the appropriation of the amount hereby authorized to pay the cost of the aforesaid class of objects or purposes. The period of probable usefulness of the aforesaid class of objects or purposes is at least fifteen (15) years, pursuant to subdivision 91 (subdivisions 4,12(a) and 35) of paragraph a of Section 11.00 of the Local Finance Law.

Section 2. The maximum estimated cost thereof is \$12,900,000, and the plan for the financing thereof is by the issuance of \$12,900,000 bonds of said County herein authorized; provided, however, that to the extent any state and/or federal aid and/or grant and/or gift is received for the aforesaid purpose, such aid shall be used to redeem any outstanding indebtedness incurred for such purpose or shall be applied, dollar for dollar, to reduce the amount of bonds to be issued for such purpose.

Section 3. The faith and credit of the County are hereby irrevocably pledged for the payment of the principal of and interest on such obligations 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 obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell the bonds and 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 Director of Finance - Chief Financial Officer, the chief fiscal officer of the County under the Local Finance Law. The Director of Finance - Chief Financial Officer may sell such bonds or notes at public or private sale, at a discount or premium, at fixed or variable rates of interest or at no interest whatsoever, or as capital appreciation bonds, and with such amortization of principal as the Director of Finance - Chief Financial Officer shall determine is most favorable to the County, and in compliance with any rules of the State Comptroller applicable thereto. Such bonds or notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Director of Finance - Chief Financial Officer, consistent with the provisions of the Local Finance Law. The Director of Finance - Chief Financial Officer may, in the event it is determined to issue

variable rate bonds or notes, enter into such agreements as said officer finds reasonable to facilitate the issuance, sale, resale and repurchase of such bonds or notes, as authorized under Section 54.90 of the Local Finance Law. The Director of Finance - Chief Financial Officer is also authorized to enter into such agreements and take such other action as may be necessary or appropriate and lawful to assure that, to the extent possible, (i) interest on the bonds and notes authorized hereby will not be includable in the gross income, for federal income tax purposes, of the recipients thereof, and (ii) to enable the purchaser thereof to comply with Securities and Exchange Commission Rule 15c2-12. The Director of Finance - Chief Financial Officer is hereby further delegated all powers of this County Legislature with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for such bonds or notes, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

Section 5. All other matters, except as provided herein, relating to such bonds or notes, including prescribing whether manual or facsimile signatures shall appear on said bonds or notes, prescribing the method for the recording of ownership of said bonds or notes, appointing the fiscal agent or agents for said bonds or notes, providing for the printing and delivery of said bonds or notes (and if said bonds or notes are to be executed in the name of the County by only facsimile signatures, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, form, denominations, maturities, interest rate or rates, terms of and manner of sale and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Director of Finance - Chief Financial Officer. The Director of Finance - Chief Financial Officer may elect to become the fiscal agent for the bonds or notes, or may contract on behalf of the County for this service pursuant to the Local Finance Law. Such bonds or notes 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 52.00 of the Local Finance Law, as the Director of Finance - Chief Financial Officer shall determine.

Section 6. The validity of such bonds and bond anticipation notes, as authorized by this resolution, may be contested only if:

- 1) such obligations are authorized for an object or purpose for which said County 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 (20) days after the date of such publication, or
- 3) such obligations are authorized in violation of the provisions of the Constitution.

Section 7. This resolution shall constitute a statement of official intent for purposes of Section 1.150-2 of the Treasury Regulations. 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 objects or purposes described herein.

Section 8. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter and the Clerk of the Legislature is hereby authorized and directed to publish this resolution or a summary hereof to be published, together with a notice attached in substantially the form and in the manner prescribed by Section 81.00 of the Local Finance Law.

44.3

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0154.br

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_

By Legislators Smith and Delehanty

Intro. No. \_\_\_\_\_

RESOLUTION NO. \_\_\_\_ OF 2021

AMENDING RESOLUTION 431 OF 2020, AS AMENDED BY RESOLUTION 24 OF 2021, AUTHORIZING CONTRACTS FOR PROVISION OF MENTAL HEALTH, DEVELOPMENTAL DISABILITY, AND ALCOHOLISM AND SUBSTANCE ABUSE SERVICES IN 2021 FOR MONROE COUNTY OFFICE OF MENTAL HEALTH

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. Section 1 of Resolution 431 of 2020, as amended by Resolution 24 of 2021, is amended as follows:

The County Executive, or his designee, is hereby authorized to execute contracts, and any amendments thereto, with the agencies listed in Attachment A and any other agencies as necessary to provide mental health, developmental disability, and alcoholism and substance abuse services for Monroe County residents, in a total amount not to exceed ~~\$40,120,086~~ \$41,120,086 for the period of January 1, 2021 through December 31, 2021.

Section 2. Funding for this contract increase is included in the 2021 operating budget of the Department of Human Services, general fund 9001, funds centers 5702010000, Mental Health Services.

Section 3. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0155

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_

Added language is underlined  
Deleted language is ~~stricken~~

By Legislators Hebert, Allkofer and Wilt

Intro. No. \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_ OF 2021

**AUTHORIZING CONTRACT WITH TRYBE ECOTHERAPY, LLC FOR PROVISION OF PILOT MENTAL HEALTH PROGRAM AS A HOLISTIC OPTION FOR VETERANS STRUGGLING WITH MENTAL ILLNESS FOR MONROE COUNTY DEPARTMENT OF VETERANS SERVICES**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. The County Executive, or his designee, is hereby authorized to execute a contract, and any amendments thereto, with Trybe Ecotherapy, LLC for the provision of mental health services for the Monroe County Department of Veterans Services in an amount not to exceed \$125,000 for the period of May 1, 2021 through April 30, 2022.

Section 2. Funding for this contract is included in the 2021 operating budget of the Veterans Service Agency Department, general fund 9001, funds center 7401010000, Veterans Service Agency.

Section 3. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0163

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_

By Legislators Felder, Flagler-Mitchell and Keophetlasy

Intro. No. \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_ OF 2021

**AUTHORIZING ALLOCATION OF EMERGENCY GRANT FUNDING TO SUPPORT ARTS ORGANIZATIONS NEGATIVELY IMPACTED BY COVID-19 PANDEMIC**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. The President of the Legislature, or his designee, is hereby authorized to execute grant agreements, contracts, or applications, and any amendments thereto, with the organizations listed below, in the total amount of \$131,000, for emergency grant funding related to the COVID-19 pandemic, for the period of January 1, 2021 through December 31, 2021.

Organization

The Avenue Blackbox Theatre	\$20,000
Rochester Contemporary Art Center	\$10,000
Rochester Community Television	\$20,000
Borinquen Dance Theatre	\$20,000
Legacy Drama House	\$10,000
Rochester Latino Theatre	\$10,000
Blackfriars of Rochester Inc.	\$3,500
Boa Editions Limited	\$3,500
Deep Arts	\$2,500
Flower City Arts Center	\$3,500
Garth Fagan Dance	\$4,000
Landmark Society of WNY Inc.	\$4,500
Push Physical Theatre	\$3,000
Rochester City Ballet	\$5,500
Rochester Oratorio Society	\$3,000
Visual Studies Workshop Inc.	\$3,500
Writers And Books	\$4,500

Total: \$131,000

Section 2. Funding for these agreements, contracts, or applications is included in the 2021 operating budget of the Monroe County Legislature, general fund 9001, funds center 1001020000, Community Contingency Fund.

Section 3. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Matter of Urgency  
File No. 21-0165

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_

By Legislators Hebert and Delehanty

Intro. No. \_\_\_\_

RESOLUTION NO. \_\_\_\_ OF 2021

**AMENDING RESOLUTION 134 OF 2020 ENTITLED "ACCEPTING GRANT FROM UNITED STATES TREASURY FOR CORONAVIRUS AID, RELIEF AND ECONOMIC SECURITY ACT," FOR PROVISION OF ADDITIONAL LEGISLATIVE FISCAL OVERSIGHT**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. Section 1 of Resolution No. 134 of 2020 shall be amended, in part, as follows:

The County Executive, or his designee, is hereby authorized to accept a \$129,433,144.90 grant from, and to execute a contract and any amendments thereto with, the United States Treasury, for the Coronavirus Aid, Relief, and Economic Security Act, for payment of expenses needed to combat the Coronavirus pandemic, for the period of March 1, 2020 through December ~~30~~ 31, 2020 2021.

Section 2. Section 3 of Resolution No. 134 of 2020 shall be amended, in part, as follows:

The County Executive, ~~is hereby authorized to~~ with approval by resolution of the County Legislature, may appropriate any subsequent years of the grant award in accordance with the grant terms, to reappropriate any unencumbered balances during the grant period according to the grantor requirements, and to make any necessary funding modifications within the grant guidelines to meet contractual commitments.

Section 3. Section 5 of Resolution No. 134 of 2020 shall be renumbered as Section 6.

Section 4. Resolution No. 134 of 2020 shall be amended, in part, by adding a new Section 5, to read as follows:

It shall be required that the Legislature approve by resolution, the expense of any funds accepted and appropriated hereto, when used to fund any agreement or contract on behalf of the county for goods and services where the total consideration thereof is in excess of \$20,000, as prescribed in Section A5-6 (A) of the Monroe County Code.

Section 5. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Matter of Urgency  
File No. 21-0166

Added language is underlined.  
Deleted language is ~~stricken~~

ADOPTION: Date: \_\_\_\_\_

Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_

VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_

49.

By Legislators Hebert and Terp

Intro. No. \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_ OF 2021

**AUTHORIZING INTERMUNICIPAL AGREEMENT WITH TOWN OF WEBSTER FOR AN EXCHANGE OF REAL PROPERTY TO FULFILL AND ASSIST WITH THE COMPLETION OF TOWN OF WEBSTER'S LAKE ONTARIO RESILIENCY AND ECONOMIC DEVELOPMENT INITIATIVE (REDI) MO.56 LAKE ROAD IMPROVEMENT PROJECT**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. The County Executive, or his designee, is hereby authorized to enter into an intermunicipal agreement, and any amendments thereto, with the Town of Webster for the acceptance of an approximately 16,970 square feet parcel along the northwest side of Lake Road, to be used as right of way, in exchange for the transfer of an approximately 21,141 square feet parcel along the southeast side of Lake Road, of abandoned right of way, and any other actions needed to fulfill and assist with the completion of Town of Webster's Lake Ontario Resiliency and Economic Development Initiative (REDI) Mo.56 Lake Road Improvement Project.

Section 2. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Matter of Urgency  
File No. 21-0167

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_



50.

By Legislators Hebert and Brew

Intro. No. \_\_\_\_\_

RESOLUTION NO. \_\_\_ OF 2021

**ADDRESSING HOMELESSNESS IN THE CIVIC CENTER PARKING GARAGE**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. The Legislature hereby requests that the County Executive and all applicable public authorities enforce existing laws, ordinances, rules and regulations pertaining to the Civic Center Parking Garage located at 55 S. Fitzhugh St., Rochester, NY 14614

Section 2. The Legislature hereby requests that the County Executive commit to utilizing funds from the American Rescue Plan to provide safe-housing options for all individuals displaced from the Civic Center Parking Garage.

Section 3. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Matter of Urgency  
File No. 21-0168

ADOPTION: Date: \_\_\_\_\_

Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_

VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_



**ATTACHMENTS:**

	<b>Description</b>	<b>File Name</b>	<b>Type</b>
▢	<b>Referral</b>	<b>R21-0081.pdf</b>	<b>Referral Letter</b>
▢	<b>Resolution</b>	<b>ITEM_1.pdf</b>	<b>Resolution</b>



# Monroe County Legislature

## Office of the President

**DR. JOE CARBONE**

PRESIDENT

March 8, 2021

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

**Subject: Enact a Local Law Entitled, "Business Closure Transparency Act," to Require Report of County Forced Business Closures**

Honorable Legislators:

The COVID-19 pandemic has impacted local economies across the World. In New York, COVID-19 imposed shutdowns have left businesses temporarily shuttered, revenue curtailed, and even permanently closed them. From spas and salons to insurance companies to restaurants and bars, businesses have been forced to change or seize their operations.

These restrictions and closures are not the choice of the businesses themselves, but rather the use of government authority to close or curtail their operations. While the government authorities who have ordered these closures have claimed to do so out of public health and may be correct in the necessity for these closures and curtailments, the transparency regarding these decisions is simply inadequate. The use of government authority to close or curtail the ability of a private entity to conduct business should not be taken lightly and must be reasonably justified, subjected to public oversight and consistent with the rules, regulations, and laws promulgated to protect the public.

Therefore, the purpose of this legislation is ensuring any Monroe County imposed business closure in Monroe County meets the aforementioned criteria. This is imperative for the Legislature to perform its responsibility and duty of County oversight, as well as the community to perform its responsibility of public oversight. This would require the production and issuance of a Report of Justification in any instance of any Monroe County Administrative Head, Agency, Employee, or official, elected, appointed, or otherwise, utilizing any power granted to them to close a place of business for any reason or any length of time within forty-eight (48) hours of the ordered closure via email or hardcopy to the Clerk of the Legislature.

This Report of Justification would be circulated, by the Clerk of the Legislature, to every Monroe County Legislator and ensure the report is entered into the Legislature's official record. This report would be required to include the following: a detailed written report that provides justification for the decision to order the closure, signed by the Monroe County Administrative Head, Agency, Employee, or official, elected, appointed, or otherwise, ordering the closure; a copy of the official order or communication closing the place of business; and any and all evidence in the possession of Monroe County on which the closure is based.

OFFICIAL FILE COPY

No. 210081

Not to be removed from the  
Office of the  
Legislature Of  
Monroe County

Committee Assignment

**AGENDA/CHARTER -L**

The residents of Monroe County deserve transparency, clarity and justification for government-imposed business closure and curtailment of private businesses. This legislation will ensure our community, and this Honorable Body, has the information needed to make informed decisions and perform oversight of such government actions.

**The specific legislative actions required are:**

1. Schedule and hold a public hearing.
2. Adopt the local law as attached.

This is a Type II Action pursuant to 6 NYCRR 617.5(c) (26) (“routine of continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment”) and is not subject to further review under the State Environmental Quality Review Act.

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

Respectfully Submitted,



Dr. Joe Carbone  
Monroe County Legislature  
President

By Legislator \_\_\_\_\_ and \_\_\_\_\_

Intro No. \_\_\_\_\_

LOCAL LAW NO. \_\_ OF 2021

**ENACTING A LOCAL LAW ENTITLED "BUSINESS CLOSURE TRANSPARENCY ACT"**

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. Title. This local law shall be known as the law "Business Closure Transparency Act."

Section 2. Legislative Intent. The use of government authority to close or curtail a business's operations should not be taken lightly. It is the intent of this law to ensure that any decision made by Monroe County resulting in the closure of a business is transparent, subject to reasonable public oversight, and consistent with the rules regulations and laws promulgated to protect the public. To that end, it is the decision of this body to require the creation and publication of a "Report of Justification" detailing the County's legal reasoning and justification for the closure.

Section 3. Requirement to Report Closures.

A. Should any Monroe County Administrative Head, Agency, Employee, or official, elected, appointed, or otherwise, use any power granted to them to close a place of business for any reason or any length of time, that official shall be responsible for delivering a Report of Justification to the Clerk of the Legislature within forty-eight (48) hours of the ordered closure via email or hardcopy. It shall be incumbent upon the Clerk to forward a copy of the Report to every Legislator and ensure the report is entered into the Legislature's official record. If receipt of said Report occurs outside of operating hours of the Monroe County Legislature, the Clerk shall forward the Report to every Legislator and submit it to the legislative record as soon as practicable, but in any event no later than 10:00am the next business day. A copy of the Report of Justification shall also be delivered to the owner(s) of the impacted business within the same timeframe via Certified US Mail, Return Receipt Requested.

B. The Report of Justification shall include:

1. A detailed written report that provides justification for the decision to order the closure, signed by the Administrative Head, Agency, Employee, or official, elected, appointed, or otherwise, ordering the closure;
2. A copy of the official order or communication closing the place of business; and
3. Any and all evidence in the possession of Monroe County on which the closure is based.

Section 4. Severability. If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. Effective Date. This local law shall take after filing with the Secretary of State pursuant to Section 27 of the New York State Municipal Home Rule Law.

\_\_\_\_\_ Committee; April \_\_, 2021 - CV: \_\_\_\_-\_\_\_\_\_  
\_\_\_\_\_ Committee; April \_\_, 2021 - CV: \_\_\_\_-\_\_\_\_\_

File No. 21-\_\_\_\_.LL

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF LOCAL LAW: \_\_\_\_\_

By Legislators Brew and Delehanty

Intro. No. \_\_\_\_

MOTION NO. \_\_\_\_ OF 2021

**PROVIDING THAT LOCAL LAW (INTRO. NO. 135 OF 2021), ENTITLED "BUSINESS CLOSURE TRANSPARENCY ACT" BE LIFTED FROM THE TABLE**

BE IT MOVED, that Local Law (Intro. No. 135 of 2021), entitled "BUSINESS CLOSURE TRANSPARENCY ACT," be lifted from the table.

File No. 21-0081.LL

ADOPTION: Date: \_\_\_\_\_

Vote: \_\_\_\_\_

1.



**ATTACHMENTS:**

	<b>Description</b>	<b>File Name</b>	<b>Type</b>
▢	<b>Referral</b>	<b>R21-0081.pdf</b>	<b>Referral Letter</b>
▢	<b>Resolution</b>	<b>ITEM_2.pdf</b>	<b>Resolution</b>





# Monroe County Legislature

## Office of the President

**DR. JOE CARBONE**

PRESIDENT

March 8, 2021

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

**Subject: Enact a Local Law Entitled, "Business Closure Transparency Act," to Require Report of County Forced Business Closures**

Honorable Legislators:

The COVID-19 pandemic has impacted local economies across the World. In New York, COVID-19 imposed shutdowns have left businesses temporarily shuttered, revenue curtailed, and even permanently closed them. From spas and salons to insurance companies to restaurants and bars, businesses have been forced to change or seize their operations.

These restrictions and closures are not the choice of the businesses themselves, but rather the use of government authority to close or curtail their operations. While the government authorities who have ordered these closures have claimed to do so out of public health and may be correct in the necessity for these closures and curtailments, the transparency regarding these decisions is simply inadequate. The use of government authority to close or curtail the ability of a private entity to conduct business should not be taken lightly and must be reasonably justified, subjected to public oversight and consistent with the rules, regulations, and laws promulgated to protect the public.

Therefore, the purpose of this legislation is ensuring any Monroe County imposed business closure in Monroe County meets the aforementioned criteria. This is imperative for the Legislature to perform its responsibility and duty of County oversight, as well as the community to perform its responsibility of public oversight. This would require the production and issuance of a Report of Justification in any instance of any Monroe County Administrative Head, Agency, Employee, or official, elected, appointed, or otherwise, utilizing any power granted to them to close a place of business for any reason or any length of time within forty-eight (48) hours of the ordered closure via email or hardcopy to the Clerk of the Legislature.

This Report of Justification would be circulated, by the Clerk of the Legislature, to every Monroe County Legislator and ensure the report is entered into the Legislature's official record. This report would be required to include the following: a detailed written report that provides justification for the decision to order the closure, signed by the Monroe County Administrative Head, Agency, Employee, or official, elected, appointed, or otherwise, ordering the closure; a copy of the official order or communication closing the place of business; and any and all evidence in the possession of Monroe County on which the closure is based.

OFFICIAL FILE COPY

No. 210081

Not to be removed from the  
Office of the  
Legislature Of  
Monroe County

Committee Assignment

**AGENDA/CHARTER -L**

The residents of Monroe County deserve transparency, clarity and justification for government-imposed business closure and curtailment of private businesses. This legislation will ensure our community, and this Honorable Body, has the information needed to make informed decisions and perform oversight of such government actions.

**The specific legislative actions required are:**

1. Schedule and hold a public hearing.
2. Adopt the local law as attached.

This is a Type II Action pursuant to 6 NYCRR 617.5(c) (26) (“routine of continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment”) and is not subject to further review under the State Environmental Quality Review Act.

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

Respectfully Submitted,



Dr. Joe Carbone  
Monroe County Legislature  
President

By Legislator \_\_\_\_\_ and \_\_\_\_\_

Intro No. \_\_\_\_\_

LOCAL LAW NO. \_\_ OF 2021

**ENACTING A LOCAL LAW ENTITLED "BUSINESS CLOSURE TRANSPARENCY ACT"**

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. Title. This local law shall be known as the law "Business Closure Transparency Act."

Section 2. Legislative Intent. The use of government authority to close or curtail a business's operations should not be taken lightly. It is the intent of this law to ensure that any decision made by Monroe County resulting in the closure of a business is transparent, subject to reasonable public oversight, and consistent with the rules regulations and laws promulgated to protect the public. To that end, it is the decision of this body to require the creation and publication of a "Report of Justification" detailing the County's legal reasoning and justification for the closure.

Section 3. Requirement to Report Closures.

A. Should any Monroe County Administrative Head, Agency, Employee, or official, elected, appointed, or otherwise, use any power granted to them to close a place of business for any reason or any length of time, that official shall be responsible for delivering a Report of Justification to the Clerk of the Legislature within forty-eight (48) hours of the ordered closure via email or hardcopy. It shall be incumbent upon the Clerk to forward a copy of the Report to every Legislator and ensure the report is entered into the Legislature's official record. If receipt of said Report occurs outside of operating hours of the Monroe County Legislature, the Clerk shall forward the Report to every Legislator and submit it to the legislative record as soon as practicable, but in any event no later than 10:00am the next business day. A copy of the Report of Justification shall also be delivered to the owner(s) of the impacted business within the same timeframe via Certified US Mail, Return Receipt Requested.

B. The Report of Justification shall include:

1. A detailed written report that provides justification for the decision to order the closure, signed by the Administrative Head, Agency, Employee, or official, elected, appointed, or otherwise, ordering the closure;
2. A copy of the official order or communication closing the place of business; and
3. Any and all evidence in the possession of Monroe County on which the closure is based.

Section 4. Severability. If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. Effective Date. This local law shall take after filing with the Secretary of State pursuant to Section 27 of the New York State Municipal Home Rule Law.

\_\_\_\_\_ Committee; April \_\_, 2021 - CV: \_\_\_\_-\_\_\_\_  
\_\_\_\_\_ Committee; April \_\_, 2021 - CV: \_\_\_\_-\_\_\_\_

File No. 21-\_\_\_\_.LL

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF LOCAL LAW: \_\_\_\_\_

2.1

By Legislators Brew and Delehanty

Intro. No. \_\_\_\_

MOTION NO. \_\_\_\_ OF 2021

**PROVIDING THAT LOCAL LAW (INTRO. NO. 135 OF 2021), ENTITLED "BUSINESS CLOSURE TRANSPARENCY ACT" BE ADOPTED**

BE IT MOVED, that Local Law (Intro. No. 135 of 2021), entitled "BUSINESS CLOSURE TRANSPARENCY ACT," be adopted.

File No. 21-0081.LL

ADOPTION: Date: \_\_\_\_\_

Vote: \_\_\_\_\_

By Legislators Brew and Delehanty

Intro No. 135

LOCAL LAW NO. \_\_ OF 2021

**ENACTING A LOCAL LAW ENTITLED "BUSINESS CLOSURE TRANSPARENCY ACT"**

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. Title. This local law shall be known as the law "Business Closure Transparency Act."

Section 2. Legislative Intent. The use of government authority to close or curtail a business's operations should not be taken lightly. It is the intent of this law to ensure that any decision made by Monroe County resulting in the closure of a business is transparent, subject to reasonable public oversight, and consistent with the rules regulations and laws promulgated to protect the public. To that end, it is the decision of this body to require the creation and publication of a "Report of Justification" detailing the County's legal reasoning and justification for the closure.

Section 3. Requirement to Report Closures.

A. Should any Monroe County Administrative Head, Agency, Employee, or official, elected, appointed, or otherwise, use any power granted to them to close a place of business for any reason or any length of time, that official shall be responsible for delivering a Report of Justification to the Clerk of the Legislature within forty-eight (48) hours of the ordered closure via email or hardcopy. It shall be incumbent upon the Clerk to forward a copy of the Report to every Legislator and ensure the report is entered into the Legislature's official record. If receipt of said Report occurs outside of operating hours of the Monroe County Legislature, the Clerk shall forward the Report to every Legislator and submit it to the legislative record as soon as practicable, but in any event no later than 10:00am the next business day. A copy of the Report of Justification shall also be delivered to the owner(s) of the impacted business within the same timeframe via Certified US Mail, Return Receipt Requested.

B. The Report of Justification shall include:

1. A detailed written report that provides justification for the decision to order the closure, signed by the Administrative Head, Agency, Employee, or official, elected, appointed, or otherwise, ordering the closure;
2. A copy of the official order or communication closing the place of business; and
3. Any and all evidence in the possession of Monroe County on which the closure is based.

Section 4. Severability. If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. Effective Date. This local law shall take after filing with the Secretary of State pursuant to Section 27 of the New York State Municipal Home Rule Law.

Committee of the Whole; March 23, 2021 – CV: 19-9  
File No. 21-0081.LL

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF LOCAL LAW: \_\_\_\_\_



**ATTACHMENTS:**

	<b>Description</b>	<b>File Name</b>	<b>Type</b>
▢	<b>Referral</b>	<b>R21-0125.pdf</b>	<b>Referral Letter</b>
▢	<b>Resolution</b>	<b>ITEM_3.pdf</b>	<b>Resolution</b>





# The Office of the Monroe County Legislature

April 12, 2021

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

OFFICIAL FILE COPY
No. 210125
Not to be removed from the Office of the Legislature of Monroe County
Committee Assignment
<b>AGENDA/CHARTER</b>

**Subject: Enacting a Local Law Requiring Motorists to Provide a Minimum of Three Feet of Space When Passing a Bicycle Rider**

Honorable Legislators:

Thousands of Monroe County residents ride bicycles for their primary mode of transportation, exercise or recreation. This bi-partisan legislation increases protection for bicyclists, who face unique dangers on the road.

During the years 2018 and 2019, state data indicates 321 bicyclists were injured in crashes with motor vehicles in Monroe County. One of the bicyclists struck by a passing vehicle was Carolyn "Carrie" Ray, a beloved teacher from Clarkson, who died tragically in 2019, as a result of her collision and for whom this bill is named. This Legislation, if enacted, would be known as "Carrie Ray's 3-Foot Passing Law to Protect Bicyclists" in honor of Carrie Ray.

This proposed legislation enacts a 3-foot minimum requirement for vehicles passing bicyclists on roadways. Thirty-three states have passing laws with distance guidelines of 3 feet or more. New York's law only requires a "safe distance" to pass bicyclists, which is too subjective. Suffolk County's Legislature, recognizing the need for a clear standard to ensure bicyclist safety, recently passed a 3-foot distance rule.

The main benefit of this legislation is that drivers would have clarity on what is a minimum safe passing distance and heightened awareness about how to safely pass bicyclists. Penalties exist in current law for unsafe passing.

This legislation recognizes that all of Monroe County's residents have a right to safely use our roads, whether they are on foot, bike, bus or car. Making our roads safer will lead to increased use of bicyclist infrastructure, outside exercise and activity, and enjoyment of living in Monroe County.

**The specific legislative actions required are:**

1. Schedule and hold a public hearing on the proposed local law.

2. Adopt the attached Local Law entitled, "Carrie Ray's 3-Foot Passing Law to Protect Bicyclists" as written.

The legislative action requested in this referral is not an "Action," as that term is defined in 6 NYCRR § 617.2(b), and is not subject to review under the State Environmental Quality Review Act.

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

Respectfully submitted,



Jackie Smith  
Monroe County Legislator  
District 2



Rachel Barnhart  
Monroe County Legislator  
District 21



R. Edwin Wilt  
Monroe County Legislator  
District 1



Tracy DiFlorio  
Monroe County Legislator  
District 3



Frank X. Allkofer  
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Yversha M. Roman  
Monroe County Legislator  
District 26



Ernest S. Flagler-Mitchell  
Monroe County Legislator  
District 29

By Legislators Smith and Barnhart

Intro No. \_\_\_\_

LOCAL LAW NO. \_\_\_\_ OF 2021

**ENACTING A LOCAL LAW ENTITLED “THREE-FOOT SAFE PASSING LAW”**

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. **Title.** This chapter shall be known as “Carrie Ray’s 3-Foot Passing Law to Protect Bicyclists.”

Section 2. **Legislative Intent.** This Legislature hereby finds and determines that it is the duty of Monroe County to protect the health, safety, and welfare of its residents. This Legislature also finds and determines that many Monroe County residents ride bicycles for exercise, recreation, and as a primary mode of transport. This Legislature further finds and determines that when riding on roads, cyclists are vulnerable to the actions of motor vehicle operators. This Legislature determines that vehicles passing bicyclists pose a threat to the health and safety of these bicyclists if passing too closely or from the right side of the road. This Legislature also finds that a minimum passing distance should be established to protect bicyclists in Monroe County. Therefore, the purpose of this law is to establish regulations to protect the health and safety of bicyclists in Monroe County.

Section 3. **Minimum distance requirements for motor vehicles passing bicycles.** The operator of a vehicle that is overtaking, from behind, a bicycle proceeding on the same side of the road shall pass to the left of such bicycle at a distance of at least three (3) feet until safely clear thereof.

Section 4. **Severability.** If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. **Effective Date.** This local law shall take effect in accordance with the provisions of the Municipal Home Rule Law and the Monroe County Charter.

\_\_\_\_ Committee; \_\_\_\_\_, 2021 - CV:  
File No. 21-\_\_\_\_.LL

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

EFFECTIVE DATE OF LOCAL LAW:

Added language is underlined.

Deleted language is ~~stricken~~.

By Legislators Smith and Barnhart

Intro No. \_\_\_\_

LOCAL LAW NO. \_\_\_\_ OF 2021

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Section 5. **Effective Date.** This local law shall take effect in accordance with the provisions of the Municipal Home Rule Law and the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0125.LL

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF LOCAL LAW: \_\_\_\_\_

Added language is underlined.  
Deleted language is ~~stricken~~.



**ATTACHMENTS:**

	<b>Description</b>	<b>File Name</b>	<b>Type</b>
▢	<b>Referral</b>	<b>R21-0125.pdf</b>	<b>Referral Letter</b>
▢	<b>Resolution</b>	<b>ITEM_4.pdf</b>	<b>Resolution</b>



# The Office of the Monroe County Legislature

April 12, 2021

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

OFFICIAL FILE COPY
No. 210125
Not to be removed from the Office of the Legislature of Monroe County
Committee Assignment
<b>AGENDA/CHARTER</b>

**Subject: Enacting a Local Law Requiring Motorists to Provide a Minimum of Three Feet of Space When Passing a Bicycle Rider**

Honorable Legislators:

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**The specific legislative actions required are:**

1. Schedule and hold a public hearing on the proposed local law.



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

Respectfully submitted,



Jackie Smith  
Monroe County Legislator  
District 2



Rachel Barnhart  
Monroe County Legislator  
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Monroe County Legislator  
District 29

By Legislators Smith and Barnhart

Intro No. \_\_\_\_

LOCAL LAW NO. \_\_\_\_ OF 2021

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\_\_\_\_ Committee; \_\_\_\_\_, 2021 - CV:  
File No. 21-\_\_\_\_.LL

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

EFFECTIVE DATE OF LOCAL LAW:

Added language is underlined.

Deleted language is ~~stricken~~.

4.

By Legislators Smith and Barnhart

Intro. No. \_\_\_\_

MOTION NO. \_\_\_\_ OF 2021

**PROVIDING THAT LOCAL LAW (INTRO. NO. \_\_\_\_ OF 2021) ENTITLED "THREE-FOOT SAFE PASSING LAW", BE TABLED**

BE IT MOVED, that Local Law (Intro. No. \_\_\_\_ of 2021) entitled "Three-Foot Safe Passing Law", be tabled.

File No. 21-0125.LL

ADOPTION: Date: \_\_\_\_\_

Vote: \_\_\_\_\_



**ATTACHMENTS:**

	<b>Description</b>	<b>File Name</b>	<b>Type</b>
▢	<b>Referral</b>	<b>R21-0125.pdf</b>	<b>Referral Letter</b>
▢	<b>Resolution</b>	<b>ITEM_5.pdf</b>	<b>Resolution</b>



# The Office of the Monroe County Legislature

April 12, 2021

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

OFFICIAL FILE COPY
No. 210125
Not to be removed from the Office of the Legislature of Monroe County
Committee Assignment
<b>AGENDA/CHARTER</b>

**Subject: Enacting a Local Law Requiring Motorists to Provide a Minimum of Three Feet of Space When Passing a Bicycle Rider**

Honorable Legislators:

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1. Schedule and hold a public hearing on the proposed local law.


2. Adopt the attached Local Law entitled, "Carrie Ray's 3-Foot Passing Law to Protect Bicyclists" as written.


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


Respectfully submitted,

  
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Monroe County Legislator  
District 2

  
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Monroe County Legislator  
District 21

  
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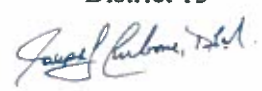
  
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Monroe County Legislator  
District 29

By Legislators Smith and Barnhart

Intro No. \_\_\_\_

LOCAL LAW NO. \_\_\_\_ OF 2021

**ENACTING A LOCAL LAW ENTITLED “THREE-FOOT SAFE PASSING LAW”**

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. **Title.** This chapter shall be known as “Carrie Ray’s 3-Foot Passing Law to Protect Bicyclists.”

Section 2. **Legislative Intent.** This Legislature hereby finds and determines that it is the duty of Monroe County to protect the health, safety, and welfare of its residents. This Legislature also finds and determines that many Monroe County residents ride bicycles for exercise, recreation, and as a primary mode of transport. This Legislature further finds and determines that when riding on roads, cyclists are vulnerable to the actions of motor vehicle operators. This Legislature determines that vehicles passing bicyclists pose a threat to the health and safety of these bicyclists if passing too closely or from the right side of the road. This Legislature also finds that a minimum passing distance should be established to protect bicyclists in Monroe County. Therefore, the purpose of this law is to establish regulations to protect the health and safety of bicyclists in Monroe County.

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Section 4. **Severability.** If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. **Effective Date.** This local law shall take effect in accordance with the provisions of the Municipal Home Rule Law and the Monroe County Charter.

\_\_\_\_ Committee; \_\_\_\_\_, 2021 - CV:  
File No. 21-\_\_\_\_.LL

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

EFFECTIVE DATE OF LOCAL LAW:

Added language is underlined.

Deleted language is ~~stricken~~.

By Legislators Smith and Barnhart

Intro. No. \_\_\_\_\_

RESOLUTION NO. \_\_\_\_ OF 2021

**FIXING A PUBLIC HEARING ON LOCAL LAW (INTRO. NO. \_\_\_\_ OF 2021) ENTITLED "THREE-FOOT SAFE PASSING LAW"**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. That there will be a public hearing at 6:15 P.M. on the 8th day of June, 2021, in the Legislative Chambers in the County Office Building, Rochester, New York on Local Law (Intro. No. \_\_\_\_ of 2021) entitled "Three-Foot Safe Passing Law".

Section 2. The Clerk of the Legislature is directed to give notice of the time and place of this public hearing, and a description of the proposed local law, to the news media within the County, and shall conspicuously post a copy of said notice in the office of the Clerk at least five days before said hearing. In addition, the Clerk shall cause said notice to be published once in the official newspapers of general circulation within the County at least five days before said hearing.

Section 3. This resolution shall take effect immediately.

File No. 21-0125.LL

ADOPTION: Date: \_\_\_\_\_

Vote: \_\_\_\_\_



**ATTACHMENTS:**

	<b>Description</b>	<b>File Name</b>	<b>Type</b>
▣	<b>Resolution</b>	<b>ITEM_6.pdf</b>	<b>Resolution</b>
▣	<b>Referral</b>	<b>R21-0131.pdf</b>	<b>Referral Letter</b>

By Legislators Brew and Ancello

Intro. No. \_\_\_\_

MOTION NO. \_\_\_\_ OF 2021

**PROVIDING THAT FILE NO. 21-0131 ENTITLED, "ENACT A LOCAL LAW ESTABLISHING A SUSTAINABLE ENERGY LOAN PROGRAM (OPEN C-PACE) IN MONROE COUNTY AND AUTHORIZE A CONTRACT WITH ENERGY IMPROVEMENT CORPORATION TO ADMINISTER THE ENERGIZE NY OPEN C-PACE PROGRAM," BE DISCHARGED FROM COMMITTEE**

Be It Moved, that File No. 21-0131 entitled "Enact a Local Law Establishing a Sustainable Energy Loan Program (OPEN C-PACE) in Monroe County and Authorize a Contract with Energy Improvement Corporation to Administer the Energize NY Open C-PACE Program," be, and hereby is discharged from the Committee of the Whole.

ADOPTED: Date: \_\_\_\_\_ Vote: \_\_\_\_\_



# Office of the County Executive Monroe County Legislature

Adam J. Bello  
County Executive

Michael Yudelson  
Legislator – District 13

Fred Ancello  
Legislator – District 6

Sean M. Delehanty  
Legislator – District 11

May 10, 2021

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

Subject: Enact a Local Law Establishing a Sustainable Energy Loan Program (OPEN C-PACE) in Monroe County and Authorize a Contract with Energy Improvement Corporation to Administer the Energize NY Open C-PACE Program

Honorable Legislators:

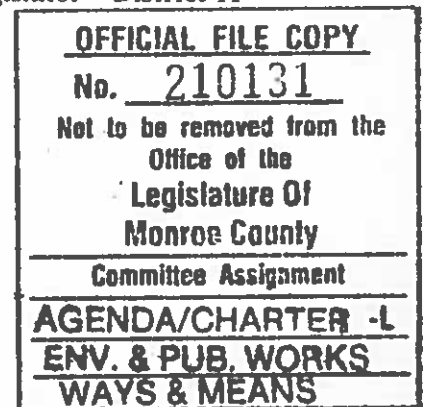
We recommend that Your Honorable Body enact a local law establishing a Sustainable Energy Loan Program (OPEN C-PACE) in Monroe County and authorize a contract with the Energy Improvement Corporation to administer this program for a period of ten (10) years commencing on or about July 1, 2021, with the option to renew for two (2) additional five-year terms.

The Commercial Property Assessed Clean Energy program, known as the Energize NY Open C-PACE Financing Program ("Open C-PACE") in New York, channels private capital to commercial and non-profit building owners to make energy upgrades to existing buildings or build new construction to higher energy standards. Open C-PACE enables building owners to improve their properties, lower operating expenses, and reduce energy consumption.

Open C-PACE differs from traditional bank loans as follows:

- Financing is available up to 100% of the project cost and may be combined with other financing.
- Competitive private financing from EIC-approved capital providers.
- Customizable loan terms up to the expected life of the improvements.
- Benefit assessment lien is subordinate to municipal taxes and senior to other liens (consent from mortgage holder is required).
- Automatically transfers to new owner upon sale of property.

Open C-PACE financing is a public benefit authorized by state law, with repayment secured through a benefit assessment lien on the improved property. The Energy Improvement Corporation ("EIC"), a non-profit, statewide local development corporation, administers Open C-PACE on behalf of its member municipalities. According to New York State Energy, Research, and Development Authority, EIC is the only authorized Open C-PACE program provider in Upstate New York. There are presently 61 member municipalities, including the City of Rochester.



To offer Open C-PACE, the County must pass a local law and sign an EIC municipal agreement. The County would have no fees to join the program, nor any financial exposure or responsibility to administer the program. Because the City of Rochester offers Open C-PACE within the City limits, the County's Open C-PACE Program would only be available to commercial and non-profit building properties within the County but outside the City municipal boundaries.

Once enabled, the County would provide the public benefit of Open C-PACE financing and EIC would administer the program. EIC would record the lien on the land records, bill the property owner directly, and administer collection of the payment. The capital provider would enforce the Open C-PACE lien only after paying any delinquent municipal taxes owed by the property owner to the municipality.

**The specific legislative actions required are:**

1. Schedule and hold a public hearing on the proposed Local Law.
2. Enact a Local Law establishing a Sustainable Energy Loan Program (OPEN C-PACE) in Monroe County.
3. Upon the effective date of the Local Law, authorize the County Executive, or his designee, to execute a contract, and any amendments thereto, with Energy Improvement Corporation, 2875 Route 35, Katonah, New York 10536, or any subsidiary or successor, to administer the Open C-PACE program for a period of ten (10) years commencing on or about July 1, 2021, with the option to renew for two (2) additional five-year terms.


This is a Type II Action pursuant to 6 NYCRR §6217.5(c)(26) ("routine continuing agency administration and management not including new programs or major reordering of priorities that may affect the environment") and (33) ("adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list") and is not subject to further review under the State Environmental Quality Review Act.

No net County support is required in the current Monroe County budget.

The records in the office of the Monroe County Treasury have indicated that neither the Energy Improvement Corporation, nor its principal officer, Susan Morth, CEO, owe any delinquent Monroe County property taxes.

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

Sincerely,

  
For  
Adam J. Bello  
Monroe County Executive

  
Fred Ancello  
Monroe County Legislator – District 6

  
Michael Yudelson  
Monroe County Legislator – District 13

  
Sean M. Delehanty  
Monroe County Legislator – District 11



By Legislators Yudelson, Delehanty and Ancello

Intro No. \_\_\_\_

LOCAL LAW NO. \_\_\_\_ OF 2021

**ENACT A LOCAL LAW TO ESTABLISH A SUSTAINABLE ENERGY LOAN PROGRAM (OPEN C-PACE) IN MONROE COUNTY**

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

**Section 1. This local law shall be known as the “Energize NY Open C-PACE Financing Program” and shall read as follows:**

**ARTICLE I**

**§1. Legislative findings, intent and purpose, authority.**

- A. It is the policy of both Monroe County and the State of New York to achieve energy efficiency and renewable energy improvements, reduce greenhouse gas emissions, mitigate the effect of global climate change, and advance a clean energy economy. Monroe County finds that it can fulfill this policy by providing property assessed clean energy financing to Qualified Property Owners (as defined below) for the installation of renewable energy systems and energy efficiency measures. This local law establishes a program that will allow the Energy Improvement Corporation (as defined below, “EIC”), a local development corporation, acting on behalf of Monroe County pursuant to the municipal agreement (the “Municipal Agreement”) to be entered into between Monroe County and EIC make funds available to Qualified Property Owners that will be repaid through charges on the real properties benefited by such funds, thereby fulfilling the purposes of this local law and accomplishing an important public purpose. This local law provides a method of implementing the public policies expressed by, and exercising the authority provided by, Article 5-L of the General Municipal Law (as defined below, the “Enabling Act”).
- B. Monroe County is a municipality of the State constituting a tax district as defined in Section 1102 of the RPTL. Monroe County is authorized to execute, deliver and perform the Municipal Agreement and otherwise to implement this Energize NY Open C-PACE Financing Program pursuant to the Constitution and laws of New York, including particularly Article IX of the Constitution, Section 10 of the Municipal Home Rule Law, the Enabling Act and this local law.
- C. This local law, which is adopted pursuant to Section 10 of the Municipal Home Rule Law and the Enabling Act shall be known and may be cited as the “Energize NY Open C-PACE Local Law”.

## §2. Definitions

- A. Capitalized terms used but not defined herein have the meanings assigned in the Enabling Act.
- B. For purposes of this local law, and unless otherwise expressly stated or unless the context requires, the following terms shall have the meanings indicated:

**Annual Installment Amount** – shall have the meaning assigned in Section 8, paragraph B.

**Annual Installment Lien** – shall have the meaning assigned in Section 8 paragraph B.

**Authority** – the New York State Energy Research and Development Authority.

**Benefit Assessment Lien** – shall have the meaning assigned in Section 3, paragraph A.

**Benefited Property** – Qualified Property for which the Qualified Property Owner has entered into a Finance Agreement for a Qualified Project.

**Benefited Property Owner** – the owner of record of a Benefited Property.

**EIC** – the Energy Improvement Corporation, a local development corporation duly organized under section 1411 of the Not-For-Profit Corporation Law of the State, authorized hereby on behalf of Monroe County to implement the Program by providing funds to Qualified Property Owners and providing for repayment of such funds from money collected by or on behalf of Monroe County as a charge to be levied on the real property.

**Eligible Costs** – costs incurred by the Benefited Property Owner in connection with a Qualified Project and the related Finance Agreement, including application fees, EIC's Program administration fee, closing costs and fees, title and appraisal fees, professionals' fees, permits, fees for design and drawings and any other related fees, expenses and costs, in each case as approved by EIC and the Financing Party under the Finance Agreement

**Enabling Act** – Article 5-L of the General Municipal Law of the State, or a successor law, as in effect from time to time.

**Finance Agreement** – the finance agreement described in Section 6A of this local law.

**Financing Charges** – all charges, fees, and expenses related to the loan under the Finance Agreement including accrued interest, capitalized interest, prepayment premiums, and penalties as a result of a default or late payment and costs and reasonable attorneys' fees incurred by the Financing Party as a result of a foreclosure or other legal proceeding brought against the Benefited Property to enforce any delinquent Annual Installment Liens.

**Financing Parties** – Third-party capital providers approved by EIC to provide financing to Qualified Property Owners or other financial support to the Program which have entered into separate agreements with EIC to administer the Program in Monroe County.

**Municipal Lien** – a lien on Qualified Property which secures the obligation to pay real property taxes, municipal charges, or governmentally imposed assessments in respect of services or benefits to a Qualified Property.

**Non-Municipal Lien** – a lien on Qualified Property which secures any obligation other than the obligation to pay real property taxes, municipal charges, or governmentally-imposed assessments in respect of services or benefits to a Qualified Property Owner or Qualified Property.

**Program** – the Energize NY Open C-PACE Financing Program authorized hereby.

**Qualified Project** – the acquisition, construction, reconstruction or equipping of Energy Efficiency Improvements or Renewable Energy Systems or other projects authorized under the Enabling Act on a Qualified Property, together with a related Energy Audit, Renewable Energy System Feasibility Study and/or other requirements under or pursuant to the Enabling Act, with funds provided in whole or in part by Financing Parties under the Program to achieve the purposes of the Enabling Act.

**Qualified Property** – Any real property other than a residential building containing less than three dwelling units, which is within the boundaries of Monroe County that has been determined to be eligible to participate in the Program under the procedures for eligibility set forth under this local law and the Enabling Act and has become the site of a Qualified Project.

**Qualified Property Owner** – the owner of record of Qualified Property which has been determined by EIC to meet the requirements for participation in the Program as an owner, and any transferee owner of such Qualified Property.

**RPTL** – the Real Property Tax Law of the State, as amended from time to time.

**Secured Amount** – as of any date, the aggregate amount of principal loaned to the Qualified Property Owner for a Qualified Project, together with Eligible Costs and Financing Charges, as provided herein or in the Finance Agreement, as reduced pursuant to Section 8, paragraph C.

**State** – the State of New York.

### **§3. Establishment of an Energize NY Open C-PACE Financing Program**

- A. An Energize NY Open C-PACE Financing Program is hereby established by Monroe County, whereby EIC acting on its behalf pursuant to the Municipal Agreement, may arrange for the provision of funds by Financing Parties to Qualified Property Owners in accordance with the Enabling Act and the procedures set forth under this local law, to finance the acquisition, construction, reconstruction, and installation of Qualified Projects and Eligible Costs and Financing Charges approved by EIC and by the Financing Party under the Finance Agreement. EIC, on behalf of Monroe County, and with the consent of the Benefited Property Owner, will record a Benefit Assessment Lien on the Benefited Property in the Secured Amount (the “Benefit Assessment Lien”) on the land records of the Monroe County Clerk’s Office. Such recording shall be exempt from any charge, mortgage recording tax, or other fee in the same manner as if recorded by Monroe County.
- B. Before a Qualified Property Owner and a Financing Party enter into a Finance Agreement which results in a loan to finance a Qualified Project, repayment of which is secured by a

Benefit Assessment Lien, a written consent from each existing mortgage holder of the Qualified Property shall be obtained, permitting the Benefit Assessment Lien and each Annual Installment Lien to take priority over all existing mortgages.

**§4. Procedures for eligibility**

- A. Any property owner in Monroe County may submit an application to EIC on such forms as have been prepared by EIC and made available to property owners on the website of EIC and at Monroe County's offices.
- B. Every application submitted by a property owner shall be reviewed by EIC, acting on behalf of Monroe County, which shall make a positive or negative determination on such application based upon the criteria enumerated in the Enabling Act and § 5 of this local law. EIC may also request further information from the property owner where necessary to aid in its determination.
- C. If a positive determination on an application is made by EIC, acting on behalf of Monroe County, the property owner shall be deemed a Qualified Property Owner and shall be eligible to participate in the Program in accordance with § 6 of this local law.

**§5. Application criteria.** Upon the submission of an application, EIC, acting on behalf of Monroe County, shall make a positive or negative determination on such application based upon the following criteria for the making of a financing:

- A. The property owner may not be in bankruptcy and the property may not constitute property subject to any pending bankruptcy proceeding;
- B. The amount financed under the Program shall be repaid over a term not to exceed the weighted average of the useful life of Renewable Energy Systems and Energy Efficiency Improvements to be installed on the property, as determined by EIC;
- C. Sufficient funds are available from Financing Parties to provide financing to the property owner;
- D. The property owner is current in payments on any existing mortgage on the Qualified Property;
- E. The property owner is current on payments, with respect to the Qualified Property, on any real property taxes, municipal charges, and governmentally imposed assessments in respect of services or benefits, including the Monroe County Hotel Room Occupancy Tax, if applicable; and
- F. Such additional criteria, not inconsistent with the criteria set forth above, as the State, Monroe County, or EIC acting on its behalf, or other Financing Parties may set from time to time.

**§6. Energize NY Finance Agreement**

- A. A Qualified Property Owner may participate in the Program through the execution of a finance agreement made by and between the Qualified Property Owner and a Financing Party, to which EIC, on behalf of Monroe County, shall be a third-party beneficiary (the "Finance Agreement"). Upon execution and delivery of the Finance Agreement, the property that is the subject of the Finance Agreement shall be deemed a "Benefited Property").
- B. Upon execution and delivery of the Finance Agreement, the Benefited Property Owner shall be eligible to receive funds from the Financing Party for the acquisition, construction, and installation of a Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, provided the requirements of the Enabling Act, the Municipal Agreement and this local law have been met.
- C. The Finance Agreement shall include the terms and conditions of repayment of the Secured Amount and the Annual Installment Amounts.
- D. EIC may charge fees to offset the costs of administering the Program and such fees, if not paid by the Financing Party, shall be added to the Secured Amount.

**§7. Terms and conditions of repayment.** The Finance Agreement shall set forth the terms and conditions of repayment in accordance with the following:

- A. The principal amount of the funds loaned to the Benefited Property Owner for the Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, shall be specially assessed against the Benefited Property and will be evidenced by a Benefit Assessment Lien recorded against the Benefited Property on the land records of the Monroe County Clerk's Office. The special benefit assessment shall constitute a "charge" within the meaning of the Enabling Act and shall be collected in annual installments in the amounts certified by the Financing Party in a schedule provided at closing and made part of the Benefit Assessment Lien. Said amount shall be annually levied, billed, and collected by EIC, on behalf of Monroe County, and shall be paid to the Financing Party as provided in the Finance Agreement.
- B. The term of such repayment shall be determined at the time the Finance Agreement is executed by the Benefited Property Owner and the Financing Party, not to exceed the weighted average of the useful life of the systems and improvements as determined by EIC, acting on behalf of Monroe County.
- C. The rate of interest for the Secured Amount shall be fixed by the Financing Party in conjunction with EIC, acting on behalf of Monroe County, as provided in the Finance Agreement.

**§8. Levy of Annual Installment Amount and Creation of Annual Installment Lien.**

- A. Upon the making of the loan pursuant to the Finance Agreement, the Secured Amount shall become a special Benefit Assessment Lien on the Benefited Property in favor of

Monroe County. The amount of the Benefit Assessment Lien shall be the Secured Amount. Evidence of the Benefit Assessment Lien shall be recorded by EIC, on behalf of Monroe County, on the land records of the Monroe County Clerk's Office. Such recording shall be exempt from any charge, mortgage recording tax, or other fee in the same manner as if recorded by Monroe County. The Benefit Assessment Lien shall not be foreclosed upon by or otherwise enforced by Monroe County.

- B. The Finance Agreement shall provide for the repayment of the Secured Amount in installments made at least annually, as provided in a schedule attached to the Benefit Assessment Lien (the "Annual Installment Amount"). The Annual Installment Amount shall be levied by EIC, on behalf of Monroe County, on the Benefited Property in the same manner as levies for county charges and shall become a lien on the Benefited Property at midnight on the thirty-first day of December of the preceding year (the "Annual Installment Lien") and shall remain a lien until fully paid or otherwise satisfied or cancelled as provided by law. The creation or any recording of the Annual Installment Lien shall be exempt from any charge, mortgage recording tax, or other fee in the same manner as if recorded by Monroe County. Payment to the Financing Party shall be considered payment for this purpose. Such payment shall partly or wholly discharge the Annual Installment Lien. Delinquent Annual Installment Amounts may accrue Financing Charges as may be provided in the Finance Agreement. Any additional Financing Charges imposed by the Financing Party pursuant to the Finance Agreement shall increase the Annual Installment Amount and the Annual Installment Lien for the year in which such overdue payments were first due.
- C. The Benefit Assessment Lien shall be reduced annually by the amount of each Annual Installment Lien when each Annual Installment Lien becomes a lien. Each Annual Installment Lien shall be subordinate to all Municipal Liens, whether created pursuant to the RPTL, the Monroe County Tax Act, or by any other State or local law. No portion of a Secured Amount shall be recovered by Monroe County, EIC, or an assignee upon foreclosure, sale, or other disposition of the Benefited Property unless and until all Municipal Liens are fully discharged. Each Annual Installment Lien, however, shall have priority over all Non-Municipal Liens, irrespective of when created, except as otherwise required by law.
- D. Neither the Benefit Assessment Lien nor any Annual Installment Lien shall be extinguished or accelerated in the event of a default or bankruptcy of the Benefited Property Owner. Each Annual Installment Amount shall be considered a charge upon the Benefited Property and shall be collected by EIC, on behalf of Monroe County, at the same time and in the same manner as real property taxes or county charges. Each Annual Installment Lien shall remain a lien until paid. Amounts collected in respect of an Annual Installment Lien shall be remitted to EIC, on behalf of Monroe County, or the Financing Party, as may be provided in the Finance Agreement.
- E. EIC shall act as Monroe County's agent in collection of the Annual Installment Amounts. If any Benefited Property Owner fails to pay an Annual Installment Amount, the Financing Party may redeem the Benefited Property by paying the amount of all unpaid Municipal Liens thereon, and thereafter shall have the right to collect any amounts in

respect of an Annual Installment Lien by foreclosure or any other remedy available at law. Any foreclosure shall not affect any subsequent Annual Installment Liens.

- F. EIC, on behalf of Monroe County, may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens to Financing Parties that provide financing to Qualified Properties pursuant to Finance Agreements. The Financing Parties may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens received from EIC, on behalf of the Municipality, subject to certain conditions provided in the administration agreement between EIC and the Financing Party. The assignee or assignees of such Benefit Assessment Liens and Annual Installment Liens shall have and possess the same powers and rights at law or in equity as Monroe County would have had if the Benefit Assessment Lien and the Annual Installment Liens had not been assigned with regard to the precedence and priority of such lien, the accrual of interest and the fees and expenses of collection. Notwithstanding the foregoing, no sale or assignment of a Benefit Assessment Lien and/or Annual Installment Lien shall be valid unless notice of such sale is recorded in the Monroe County Clerk's Office against the particular Qualified Property(ies) for which the Benefit Assessment Liens and/or Annual Installment Liens are being sold or assigned.

**§9. Verification and report.** EIC, on behalf of Monroe County, shall verify and report on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by the Program in such form and manner as the Authority may establish.

**§10. Separability.** If any clause, sentence, paragraph, section, or part of this local law 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, or part thereof involved in the controversy in which such judgment shall have been rendered.

Section 2. This local law shall take effect upon filing with the Secretary of State.

File No. 21-0131.LL

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

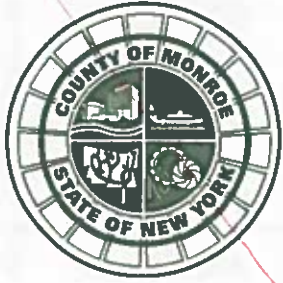
ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF LOCAL LAW: \_\_\_\_\_

See Substitutes 1



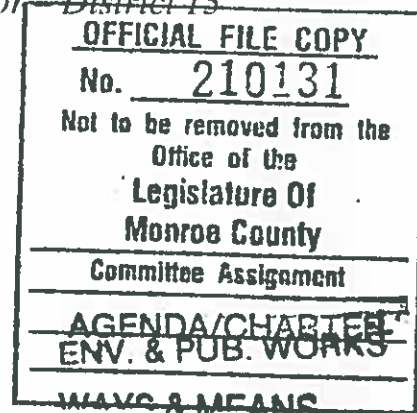
# Office of the County Executive Monroe County Legislature

**Adam J. Bello**  
*County Executive*

**Michael Yudelson**  
*Legislator - District 13*

April 9, 2021

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



**Subject:** Enact a Local Law Establishing a Sustainable Energy Loan Program (OPEN C-PACE) in Monroe County and Authorize a Contract with Energy Improvement Corporation to Administer the Energize NY Open C-PACE Program

Honorable Legislators:

We recommend that Your Honorable Body enact a local law establishing a Sustainable Energy Loan Program (OPEN C-PACE) in Monroe County and authorize a contract with the Energy Improvement Corporation to administer this program for a period of ten (10) years commencing on or about July 1, 2021, with the option to renew for two (2) additional five-year terms.

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110 County Office Building • 39 West Main Street • Rochester, New York 14614



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Once enabled, the County would provide the public benefit of Open C-PACE financing and EIC would administer the program. EIC would record the lien on the land records, bill the property owner directly, and administer collection of the payment. The capital provider would enforce the Open C-PACE lien only after paying any delinquent municipal taxes owed by the property owner to the municipality.

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Adam V. Bello  
Monroe County Executive

Sincerely,



Michael Yudelson  
Monroe County Legislator – District 13



**ATTACHMENTS:**

	<b>Description</b>	<b>File Name</b>	<b>Type</b>
▢	<b>Referral</b>	<b>R21-0131.pdf</b>	<b>Referral Letter</b>
▢	<b>Resolution</b>	<b>ITEM_7.pdf</b>	<b>Resolution</b>



# Office of the County Executive Monroe County Legislature

Adam J. Bello  
County Executive

Michael Yudelson  
Legislator – District 13

Fred Ancello  
Legislator – District 6

Sean M. Delehanty  
Legislator – District 11

May 10, 2021

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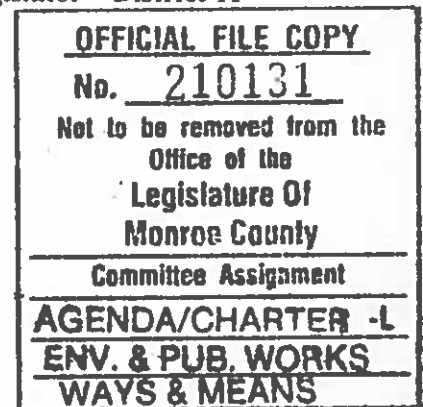
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2. Enact a Local Law establishing a Sustainable Energy Loan Program (OPEN C-PACE) in Monroe County.
3. Upon the effective date of the Local Law, authorize the County Executive, or his designee, to execute a contract, and any amendments thereto, with Energy Improvement Corporation, 2875 Route 35, Katonah, New York 10536, or any subsidiary or successor, to administer the Open C-PACE program for a period of ten (10) years commencing on or about July 1, 2021, with the option to renew for two (2) additional five-year terms.


This is a Type II Action pursuant to 6 NYCRR §6217.5(c)(26) ("routine continuing agency administration and management not including new programs or major reordering of priorities that may affect the environment") and (33) ("adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list") and is not subject to further review under the State Environmental Quality Review Act.

No net County support is required in the current Monroe County budget.

The records in the office of the Monroe County Treasury have indicated that neither the Energy Improvement Corporation, nor its principal officer, Susan Morth, CEO, owe any delinquent Monroe County property taxes.

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

Sincerely,

  
For  
Adam J. Bello  
Monroe County Executive

  
Fred Ancello  
Monroe County Legislator – District 6

  
Michael Yudelson  
Monroe County Legislator – District 13

  
Sean M. Delehanty  
Monroe County Legislator – District 11

By Legislators Yudelson, Delehanty and Ancello

Intro No. \_\_\_\_

LOCAL LAW NO. \_\_\_\_ OF 2021

**ENACT A LOCAL LAW TO ESTABLISH A SUSTAINABLE ENERGY LOAN PROGRAM (OPEN C-PACE) IN MONROE COUNTY**

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

**Section 1. This local law shall be known as the “Energize NY Open C-PACE Financing Program” and shall read as follows:**

**ARTICLE I**

**§1. Legislative findings, intent and purpose, authority.**

- A. It is the policy of both Monroe County and the State of New York to achieve energy efficiency and renewable energy improvements, reduce greenhouse gas emissions, mitigate the effect of global climate change, and advance a clean energy economy. Monroe County finds that it can fulfill this policy by providing property assessed clean energy financing to Qualified Property Owners (as defined below) for the installation of renewable energy systems and energy efficiency measures. This local law establishes a program that will allow the Energy Improvement Corporation (as defined below, “EIC”), a local development corporation, acting on behalf of Monroe County pursuant to the municipal agreement (the “Municipal Agreement”) to be entered into between Monroe County and EIC make funds available to Qualified Property Owners that will be repaid through charges on the real properties benefited by such funds, thereby fulfilling the purposes of this local law and accomplishing an important public purpose. This local law provides a method of implementing the public policies expressed by, and exercising the authority provided by, Article 5-L of the General Municipal Law (as defined below, the “Enabling Act”).
- B. Monroe County is a municipality of the State constituting a tax district as defined in Section 1102 of the RPTL. Monroe County is authorized to execute, deliver and perform the Municipal Agreement and otherwise to implement this Energize NY Open C-PACE Financing Program pursuant to the Constitution and laws of New York, including particularly Article IX of the Constitution, Section 10 of the Municipal Home Rule Law, the Enabling Act and this local law.
- C. This local law, which is adopted pursuant to Section 10 of the Municipal Home Rule Law and the Enabling Act shall be known and may be cited as the “Energize NY Open C-PACE Local Law”.

## §2. Definitions

- A. Capitalized terms used but not defined herein have the meanings assigned in the Enabling Act.
- B. For purposes of this local law, and unless otherwise expressly stated or unless the context requires, the following terms shall have the meanings indicated:

**Annual Installment Amount** – shall have the meaning assigned in Section 8, paragraph B.

**Annual Installment Lien** – shall have the meaning assigned in Section 8 paragraph B.

**Authority** – the New York State Energy Research and Development Authority.

**Benefit Assessment Lien** – shall have the meaning assigned in Section 3, paragraph A.

**Benefited Property** – Qualified Property for which the Qualified Property Owner has entered into a Finance Agreement for a Qualified Project.

**Benefited Property Owner** – the owner of record of a Benefited Property.

**EIC** – the Energy Improvement Corporation, a local development corporation duly organized under section 1411 of the Not-For-Profit Corporation Law of the State, authorized hereby on behalf of Monroe County to implement the Program by providing funds to Qualified Property Owners and providing for repayment of such funds from money collected by or on behalf of Monroe County as a charge to be levied on the real property.

**Eligible Costs** – costs incurred by the Benefited Property Owner in connection with a Qualified Project and the related Finance Agreement, including application fees, EIC's Program administration fee, closing costs and fees, title and appraisal fees, professionals' fees, permits, fees for design and drawings and any other related fees, expenses and costs, in each case as approved by EIC and the Financing Party under the Finance Agreement

**Enabling Act** – Article 5-L of the General Municipal Law of the State, or a successor law, as in effect from time to time.

**Finance Agreement** – the finance agreement described in Section 6A of this local law.

**Financing Charges** – all charges, fees, and expenses related to the loan under the Finance Agreement including accrued interest, capitalized interest, prepayment premiums, and penalties as a result of a default or late payment and costs and reasonable attorneys' fees incurred by the Financing Party as a result of a foreclosure or other legal proceeding brought against the Benefited Property to enforce any delinquent Annual Installment Liens.

**Financing Parties** – Third-party capital providers approved by EIC to provide financing to Qualified Property Owners or other financial support to the Program which have entered into separate agreements with EIC to administer the Program in Monroe County.

**Municipal Lien** – a lien on Qualified Property which secures the obligation to pay real property taxes, municipal charges, or governmentally imposed assessments in respect of services or benefits to a Qualified Property.

**Non-Municipal Lien** – a lien on Qualified Property which secures any obligation other than the obligation to pay real property taxes, municipal charges, or governmentally-imposed assessments in respect of services or benefits to a Qualified Property Owner or Qualified Property.

**Program** – the Energize NY Open C-PACE Financing Program authorized hereby.

**Qualified Project** – the acquisition, construction, reconstruction or equipping of Energy Efficiency Improvements or Renewable Energy Systems or other projects authorized under the Enabling Act on a Qualified Property, together with a related Energy Audit, Renewable Energy System Feasibility Study and/or other requirements under or pursuant to the Enabling Act, with funds provided in whole or in part by Financing Parties under the Program to achieve the purposes of the Enabling Act.

**Qualified Property** – Any real property other than a residential building containing less than three dwelling units, which is within the boundaries of Monroe County that has been determined to be eligible to participate in the Program under the procedures for eligibility set forth under this local law and the Enabling Act and has become the site of a Qualified Project.

**Qualified Property Owner** – the owner of record of Qualified Property which has been determined by EIC to meet the requirements for participation in the Program as an owner, and any transferee owner of such Qualified Property.

**RPTL** – the Real Property Tax Law of the State, as amended from time to time.

**Secured Amount** – as of any date, the aggregate amount of principal loaned to the Qualified Property Owner for a Qualified Project, together with Eligible Costs and Financing Charges, as provided herein or in the Finance Agreement, as reduced pursuant to Section 8, paragraph C.

**State** – the State of New York.

### **§3. Establishment of an Energize NY Open C-PACE Financing Program**

- A. An Energize NY Open C-PACE Financing Program is hereby established by Monroe County, whereby EIC acting on its behalf pursuant to the Municipal Agreement, may arrange for the provision of funds by Financing Parties to Qualified Property Owners in accordance with the Enabling Act and the procedures set forth under this local law, to finance the acquisition, construction, reconstruction, and installation of Qualified Projects and Eligible Costs and Financing Charges approved by EIC and by the Financing Party under the Finance Agreement. EIC, on behalf of Monroe County, and with the consent of the Benefited Property Owner, will record a Benefit Assessment Lien on the Benefited Property in the Secured Amount (the “Benefit Assessment Lien”) on the land records of the Monroe County Clerk’s Office. Such recording shall be exempt from any charge, mortgage recording tax, or other fee in the same manner as if recorded by Monroe County.
- B. Before a Qualified Property Owner and a Financing Party enter into a Finance Agreement which results in a loan to finance a Qualified Project, repayment of which is secured by a

Benefit Assessment Lien, a written consent from each existing mortgage holder of the Qualified Property shall be obtained, permitting the Benefit Assessment Lien and each Annual Installment Lien to take priority over all existing mortgages.

**§4. Procedures for eligibility**

- A. Any property owner in Monroe County may submit an application to EIC on such forms as have been prepared by EIC and made available to property owners on the website of EIC and at Monroe County's offices.
- B. Every application submitted by a property owner shall be reviewed by EIC, acting on behalf of Monroe County, which shall make a positive or negative determination on such application based upon the criteria enumerated in the Enabling Act and § 5 of this local law. EIC may also request further information from the property owner where necessary to aid in its determination.
- C. If a positive determination on an application is made by EIC, acting on behalf of Monroe County, the property owner shall be deemed a Qualified Property Owner and shall be eligible to participate in the Program in accordance with § 6 of this local law.

**§5. Application criteria.** Upon the submission of an application, EIC, acting on behalf of Monroe County, shall make a positive or negative determination on such application based upon the following criteria for the making of a financing:

- A. The property owner may not be in bankruptcy and the property may not constitute property subject to any pending bankruptcy proceeding;
- B. The amount financed under the Program shall be repaid over a term not to exceed the weighted average of the useful life of Renewable Energy Systems and Energy Efficiency Improvements to be installed on the property, as determined by EIC;
- C. Sufficient funds are available from Financing Parties to provide financing to the property owner;
- D. The property owner is current in payments on any existing mortgage on the Qualified Property;
- E. The property owner is current on payments, with respect to the Qualified Property, on any real property taxes, municipal charges, and governmentally imposed assessments in respect of services or benefits, including the Monroe County Hotel Room Occupancy Tax, if applicable; and
- F. Such additional criteria, not inconsistent with the criteria set forth above, as the State, Monroe County, or EIC acting on its behalf, or other Financing Parties may set from time to time.



**§6. Energize NY Finance Agreement**

- A. A Qualified Property Owner may participate in the Program through the execution of a finance agreement made by and between the Qualified Property Owner and a Financing Party, to which EIC, on behalf of Monroe County, shall be a third-party beneficiary (the "Finance Agreement"). Upon execution and delivery of the Finance Agreement, the property that is the subject of the Finance Agreement shall be deemed a "Benefited Property").
- B. Upon execution and delivery of the Finance Agreement, the Benefited Property Owner shall be eligible to receive funds from the Financing Party for the acquisition, construction, and installation of a Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, provided the requirements of the Enabling Act, the Municipal Agreement and this local law have been met.
- C. The Finance Agreement shall include the terms and conditions of repayment of the Secured Amount and the Annual Installment Amounts.
- D. EIC may charge fees to offset the costs of administering the Program and such fees, if not paid by the Financing Party, shall be added to the Secured Amount.

**§7. Terms and conditions of repayment.** The Finance Agreement shall set forth the terms and conditions of repayment in accordance with the following:

- A. The principal amount of the funds loaned to the Benefited Property Owner for the Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, shall be specially assessed against the Benefited Property and will be evidenced by a Benefit Assessment Lien recorded against the Benefited Property on the land records of the Monroe County Clerk's Office. The special benefit assessment shall constitute a "charge" within the meaning of the Enabling Act and shall be collected in annual installments in the amounts certified by the Financing Party in a schedule provided at closing and made part of the Benefit Assessment Lien. Said amount shall be annually levied, billed, and collected by EIC, on behalf of Monroe County, and shall be paid to the Financing Party as provided in the Finance Agreement.
- B. The term of such repayment shall be determined at the time the Finance Agreement is executed by the Benefited Property Owner and the Financing Party, not to exceed the weighted average of the useful life of the systems and improvements as determined by EIC, acting on behalf of Monroe County.
- C. The rate of interest for the Secured Amount shall be fixed by the Financing Party in conjunction with EIC, acting on behalf of Monroe County, as provided in the Finance Agreement.

**§8. Levy of Annual Installment Amount and Creation of Annual Installment Lien.**

- A. Upon the making of the loan pursuant to the Finance Agreement, the Secured Amount shall become a special Benefit Assessment Lien on the Benefited Property in favor of

Monroe County. The amount of the Benefit Assessment Lien shall be the Secured Amount. Evidence of the Benefit Assessment Lien shall be recorded by EIC, on behalf of Monroe County, on the land records of the Monroe County Clerk's Office. Such recording shall be exempt from any charge, mortgage recording tax, or other fee in the same manner as if recorded by Monroe County. The Benefit Assessment Lien shall not be foreclosed upon by or otherwise enforced by Monroe County.

- B. The Finance Agreement shall provide for the repayment of the Secured Amount in installments made at least annually, as provided in a schedule attached to the Benefit Assessment Lien (the "Annual Installment Amount"). The Annual Installment Amount shall be levied by EIC, on behalf of Monroe County, on the Benefited Property in the same manner as levies for county charges and shall become a lien on the Benefited Property at midnight on the thirty-first day of December of the preceding year (the "Annual Installment Lien") and shall remain a lien until fully paid or otherwise satisfied or cancelled as provided by law. The creation or any recording of the Annual Installment Lien shall be exempt from any charge, mortgage recording tax, or other fee in the same manner as if recorded by Monroe County. Payment to the Financing Party shall be considered payment for this purpose. Such payment shall partly or wholly discharge the Annual Installment Lien. Delinquent Annual Installment Amounts may accrue Financing Charges as may be provided in the Finance Agreement. Any additional Financing Charges imposed by the Financing Party pursuant to the Finance Agreement shall increase the Annual Installment Amount and the Annual Installment Lien for the year in which such overdue payments were first due.
- C. The Benefit Assessment Lien shall be reduced annually by the amount of each Annual Installment Lien when each Annual Installment Lien becomes a lien. Each Annual Installment Lien shall be subordinate to all Municipal Liens, whether created pursuant to the RPTL, the Monroe County Tax Act, or by any other State or local law. No portion of a Secured Amount shall be recovered by Monroe County, EIC, or an assignee upon foreclosure, sale, or other disposition of the Benefited Property unless and until all Municipal Liens are fully discharged. Each Annual Installment Lien, however, shall have priority over all Non-Municipal Liens, irrespective of when created, except as otherwise required by law.
- D. Neither the Benefit Assessment Lien nor any Annual Installment Lien shall be extinguished or accelerated in the event of a default or bankruptcy of the Benefited Property Owner. Each Annual Installment Amount shall be considered a charge upon the Benefited Property and shall be collected by EIC, on behalf of Monroe County, at the same time and in the same manner as real property taxes or county charges. Each Annual Installment Lien shall remain a lien until paid. Amounts collected in respect of an Annual Installment Lien shall be remitted to EIC, on behalf of Monroe County, or the Financing Party, as may be provided in the Finance Agreement.
- E. EIC shall act as Monroe County's agent in collection of the Annual Installment Amounts. If any Benefited Property Owner fails to pay an Annual Installment Amount, the Financing Party may redeem the Benefited Property by paying the amount of all unpaid Municipal Liens thereon, and thereafter shall have the right to collect any amounts in

respect of an Annual Installment Lien by foreclosure or any other remedy available at law. Any foreclosure shall not affect any subsequent Annual Installment Liens.

- F. EIC, on behalf of Monroe County, may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens to Financing Parties that provide financing to Qualified Properties pursuant to Finance Agreements. The Financing Parties may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens received from EIC, on behalf of the Municipality, subject to certain conditions provided in the administration agreement between EIC and the Financing Party. The assignee or assignees of such Benefit Assessment Liens and Annual Installment Liens shall have and possess the same powers and rights at law or in equity as Monroe County would have had if the Benefit Assessment Lien and the Annual Installment Liens had not been assigned with regard to the precedence and priority of such lien, the accrual of interest and the fees and expenses of collection. Notwithstanding the foregoing, no sale or assignment of a Benefit Assessment Lien and/or Annual Installment Lien shall be valid unless notice of such sale is recorded in the Monroe County Clerk's Office against the particular Qualified Property(ies) for which the Benefit Assessment Liens and/or Annual Installment Liens are being sold or assigned.

**§9. Verification and report.** EIC, on behalf of Monroe County, shall verify and report on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by the Program in such form and manner as the Authority may establish.

**§10. Separability.** If any clause, sentence, paragraph, section, or part of this local law 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, or part thereof involved in the controversy in which such judgment shall have been rendered.

Section 2. This local law shall take effect upon filing with the Secretary of State.

File No. 21-0131.LL

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

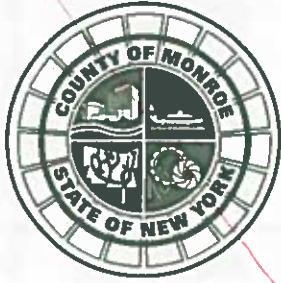
**ACTION BY THE COUNTY EXECUTIVE**

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF LOCAL LAW: \_\_\_\_\_

See Substitutes 1



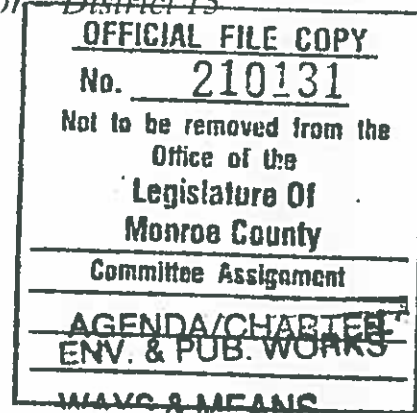
# Office of the County Executive Monroe County Legislature

**Adam J. Bello**  
*County Executive*

**Michael Yudelson**  
*Legislator - District 13*

April 9, 2021

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



**Subject:** Enact a Local Law Establishing a Sustainable Energy Loan Program (OPEN C-PACE) in Monroe County and Authorize a Contract with Energy Improvement Corporation to Administer the Energize NY Open C-PACE Program

Honorable Legislators:

We recommend that Your Honorable Body enact a local law establishing a Sustainable Energy Loan Program (OPEN C-PACE) in Monroe County and authorize a contract with the Energy Improvement Corporation to administer this program for a period of ten (10) years commencing on or about July 1, 2021, with the option to renew for two (2) additional five-year terms.

The Commercial Property Assessed Clean Energy program, known as the Energize NY Open C-PACE Financing Program ("Open C-PACE") in New York, channels private capital to commercial and non-profit building owners to make energy upgrades to existing buildings or build new construction to higher energy standards. Open C-PACE enables building owners to improve their properties, lower operating expenses, and reduce energy consumption.

Open C-PACE differs from traditional bank loans as follows:

- Financing is available up to 100% of the project cost and may be combined with other financing.
- Competitive private financing from EIC-approved capital providers.
- Customizable loan terms up to the expected life of the improvements.
- Benefit assessment lien is subordinate to municipal taxes and senior to other liens (consent from mortgage holder is required).
- Automatically transfers to new owner upon sale of property.

Open C-PACE financing is a public benefit authorized by state law, with repayment secured through a benefit assessment lien on the improved property. The Energy Improvement Corporation ("EIC"), a non-profit, statewide local development corporation, administers Open C-PACE on behalf of its member municipalities. According to New York State Energy, Research, and Development Authority, EIC is the only authorized Open C-PACE program provider in Upstate New York. There are presently 61 member municipalities, including the City of Rochester.

110 County Office Building • 39 West Main Street • Rochester, New York 14614

To offer Open C-PACE, the County must pass a local law and sign an EIC municipal agreement. The County would have no fees to join the program, nor any financial exposure or responsibility to administer the program. Because the City of Rochester offers Open C-PACE within the City limits, the County's Open C-PACE Program would only be available to commercial and non-profit building properties within the County but outside the City municipal boundaries.

Once enabled, the County would provide the public benefit of Open C-PACE financing and EIC would administer the program. EIC would record the lien on the land records, bill the property owner directly, and administer collection of the payment. The capital provider would enforce the Open C-PACE lien only after paying any delinquent municipal taxes owed by the property owner to the municipality.

**The specific legislative actions required are:**

1. Schedule and hold a public hearing on the proposed Local Law.
2. Enact a Local Law establishing a Sustainable Energy Loan Program (OPEN C-PACE) in Monroe County.
3. Upon the effective date of the Local Law, authorize the County Executive, or his designee, to execute a contract, and any amendments thereto, with Energy Improvement Corporation, 2875 Route 35, Katonah, New York 10536, or any subsidiary or successor, to administer the Open C-PACE program for a period of ten (10) years commencing on or about July 1, 2021, with the option to renew for two (2) additional five-year terms.

This is a Type II Action pursuant to 6 NYCRR §6217.5(c)(26) ("routine continuing agency administration and management not including new programs or major reordering of priorities that may affect the environment") and (33) ("adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list") and is not subject to further review under the State Environmental Quality Review Act.

No net County support is required in the current Monroe County budget.

The records in the office of the Monroe County Treasury have indicated that neither the Energy Improvement Corporation, nor its principal officer, Susan Morth, CEO, owe any delinquent Monroe County property taxes.

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

Sincerely,



Adam V. Bello  
Monroe County Executive

Sincerely,



Michael Yudelson  
Monroe County Legislator – District 13

By Legislators Yudelson, Delehanty and Ancello

Intro No. \_\_\_\_

LOCAL LAW NO. \_\_\_\_ OF 2021

**ENACT A LOCAL LAW TO ESTABLISH A SUSTAINABLE ENERGY LOAN PROGRAM (OPEN C-PACE) IN MONROE COUNTY**

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

**Section 1. This local law shall be known as the “Energize NY Open C-PACE Financing Program” and shall read as follows:**

**ARTICLE I**

**§1. Legislative findings, intent and purpose, authority.**

- A. It is the policy of both Monroe County and the State of New York to achieve energy efficiency and renewable energy improvements, reduce greenhouse gas emissions, mitigate the effect of global climate change, and advance a clean energy economy. Monroe County finds that it can fulfill this policy by providing property assessed clean energy financing to Qualified Property Owners (as defined below) for the installation of renewable energy systems and energy efficiency measures. This local law establishes a program that will allow the Energy Improvement Corporation (as defined below, “EIC”), a local development corporation, acting on behalf of Monroe County pursuant to the municipal agreement (the “Municipal Agreement”) to be entered into between Monroe County and EIC make funds available to Qualified Property Owners that will be repaid through charges on the real properties benefited by such funds, thereby fulfilling the purposes of this local law and accomplishing an important public purpose. This local law provides a method of implementing the public policies expressed by, and exercising the authority provided by, Article 5-L of the General Municipal Law (as defined below, the “Enabling Act”).
- B. Monroe County is a municipality of the State constituting a tax district as defined in Section 1102 of the RPTL. Monroe County is authorized to execute, deliver and perform the Municipal Agreement and otherwise to implement this Energize NY Open C-PACE Financing Program pursuant to the Constitution and laws of New York, including particularly Article IX of the Constitution, Section 10 of the Municipal Home Rule Law, the Enabling Act and this local law.
- C. This local law, which is adopted pursuant to Section 10 of the Municipal Home Rule Law and the Enabling Act shall be known and may be cited as the “Energize NY Open C-PACE Local Law”.

**§2. Definitions**

- A. Capitalized terms used but not defined herein have the meanings assigned in the Enabling Act.
- B. For purposes of this local law, and unless otherwise expressly stated or unless the context requires, the following terms shall have the meanings indicated:

**Annual Installment Amount** – shall have the meaning assigned in Section 8, paragraph B.

**Annual Installment Lien** – shall have the meaning assigned in Section 8 paragraph B.

**Authority** – the New York State Energy Research and Development Authority.

**Benefit Assessment Lien** – shall have the meaning assigned in Section 3, paragraph A.

**Benefited Property** – Qualified Property for which the Qualified Property Owner has entered into a Finance Agreement for a Qualified Project.

**Benefited Property Owner** – the owner of record of a Benefited Property.

**EIC** – the Energy Improvement Corporation, a local development corporation duly organized under section 1411 of the Not-For-Profit Corporation Law of the State, authorized hereby on behalf of Monroe County to implement the Program by providing funds to Qualified Property Owners and providing for repayment of such funds from money collected by or on behalf of Monroe County as a charge to be levied on the real property.

**Eligible Costs** – costs incurred by the Benefited Property Owner in connection with a Qualified Project and the related Finance Agreement, including application fees, EIC’s Program administration fee, closing costs and fees, title and appraisal fees, professionals’ fees, permits, fees for design and drawings and any other related fees, expenses and costs, in each case as approved by EIC and the Financing Party under the Finance Agreement

**Enabling Act** – Article 5-L of the General Municipal Law of the State, or a successor law, as in effect from time to time.

**Finance Agreement** – the finance agreement described in Section 6A of this local law.

**Financing Charges** – all charges, fees, and expenses related to the loan under the Finance Agreement including accrued interest, capitalized interest, prepayment premiums, and penalties as a result of a default or late payment and costs and reasonable attorneys’ fees incurred by the Financing Party as a result of a foreclosure or other legal proceeding brought against the Benefited Property to enforce any delinquent Annual Installment Liens.

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**Program** – the Energize NY Open C-PACE Financing Program authorized hereby.

**Qualified Project** – the acquisition, construction, reconstruction or equipping of Energy Efficiency Improvements or Renewable Energy Systems or other projects authorized under the Enabling Act on a Qualified Property, together with a related Energy Audit, Renewable Energy System Feasibility Study and/or other requirements under or pursuant to the Enabling Act, with funds provided in whole or in part by Financing Parties under the Program to achieve the purposes of the Enabling Act.

**Qualified Property** – Any real property other than a residential building containing less than three dwelling units, which is within the boundaries of Monroe County that has been determined to be eligible to participate in the Program under the procedures for eligibility set forth under this local law and the Enabling Act and has become the site of a Qualified Project.

**Qualified Property Owner** – the owner of record of Qualified Property which has been determined by EIC to meet the requirements for participation in the Program as an owner, and any transferee owner of such Qualified Property.

**RPTL** – the Real Property Tax Law of the State, as amended from time to time.

**Secured Amount** – as of any date, the aggregate amount of principal loaned to the Qualified Property Owner for a Qualified Project, together with Eligible Costs and Financing Charges, as provided herein or in the Finance Agreement, as reduced pursuant to Section 8, paragraph C.

**State** – the State of New York.

**§3. Establishment of an Energize NY Open C-PACE Financing Program**

- A. An Energize NY Open C-PACE Financing Program is hereby established by Monroe County, whereby EIC acting on its behalf pursuant to the Municipal Agreement, may arrange for the provision of funds by Financing Parties to Qualified Property Owners in accordance with the Enabling Act and the procedures set forth under this local law, to finance the acquisition, construction, reconstruction, and installation of Qualified Projects and Eligible Costs and Financing Charges approved by EIC and by the Financing Party under the Finance Agreement. EIC, on behalf of Monroe County, and with the consent of the Benefited Property Owner, will record a Benefit Assessment Lien on the Benefited Property in the Secured Amount (the “Benefit Assessment Lien”) on the land records of the Monroe County Clerk’s Office. Such recording shall be exempt from any charge, mortgage recording tax, or other fee in the same manner as if recorded by Monroe County.
- B. Before a Qualified Property Owner and a Financing Party enter into a Finance Agreement which results in a loan to finance a Qualified Project, repayment of which is secured by a



Benefit Assessment Lien, a written consent from each existing mortgage holder of the Qualified Property shall be obtained, permitting the Benefit Assessment Lien and each Annual Installment Lien to take priority over all existing mortgages.

**§4. Procedures for eligibility**

- A. Any property owner in Monroe County may submit an application to EIC on such forms as have been prepared by EIC and made available to property owners on the website of EIC and at Monroe County's offices.
- B. Every application submitted by a property owner shall be reviewed by EIC, acting on behalf of Monroe County, which shall make a positive or negative determination on such application based upon the criteria enumerated in the Enabling Act and § 5 of this local law. EIC may also request further information from the property owner where necessary to aid in its determination.
- C. If a positive determination on an application is made by EIC, acting on behalf of Monroe County, the property owner shall be deemed a Qualified Property Owner and shall be eligible to participate in the Program in accordance with § 6 of this local law.

**§5. Application criteria.** Upon the submission of an application, EIC, acting on behalf of Monroe County, shall make a positive or negative determination on such application based upon the following criteria for the making of a financing:

- A. The property owner may not be in bankruptcy and the property may not constitute property subject to any pending bankruptcy proceeding;
- B. The amount financed under the Program shall be repaid over a term not to exceed the weighted average of the useful life of Renewable Energy Systems and Energy Efficiency Improvements to be installed on the property, as determined by EIC;
- C. Sufficient funds are available from Financing Parties to provide financing to the property owner;
- D. The property owner is current in payments on any existing mortgage on the Qualified Property;
- E. The property owner is current on payments, with respect to the Qualified Property, on any real property taxes, municipal charges, and governmentally imposed assessments in respect of services or benefits, including the Monroe County Hotel Room Occupancy Tax, if applicable; and
- F. Such additional criteria, not inconsistent with the criteria set forth above, as the State, Monroe County, or EIC acting on its behalf, or other Financing Parties may set from time to time.

**§6. Energize NY Finance Agreement**

- A. A Qualified Property Owner may participate in the Program through the execution of a finance agreement made by and between the Qualified Property Owner and a Financing Party, to which EIC, on behalf of Monroe County, shall be a third-party beneficiary (the "Finance Agreement"). Upon execution and delivery of the Finance Agreement, the property that is the subject of the Finance Agreement shall be deemed a "Benefited Property").
- B. Upon execution and delivery of the Finance Agreement, the Benefited Property Owner shall be eligible to receive funds from the Financing Party for the acquisition, construction, and installation of a Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, provided the requirements of the Enabling Act, the Municipal Agreement and this local law have been met.
- C. The Finance Agreement shall include the terms and conditions of repayment of the Secured Amount and the Annual Installment Amounts.
- D. EIC may charge fees to offset the costs of administering the Program and such fees, if not paid by the Financing Party, shall be added to the Secured Amount.

**§7. Terms and conditions of repayment.** The Finance Agreement shall set forth the terms and conditions of repayment in accordance with the following:

- A. The principal amount of the funds loaned to the Benefited Property Owner for the Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, shall be specially assessed against the Benefited Property and will be evidenced by a Benefit Assessment Lien recorded against the Benefited Property on the land records of the Monroe County Clerk's Office. The special benefit assessment shall constitute a "charge" within the meaning of the Enabling Act and shall be collected in annual installments in the amounts certified by the Financing Party in a schedule provided at closing and made part of the Benefit Assessment Lien. Said amount shall be annually levied, billed, and collected by EIC, on behalf of Monroe County, and shall be paid to the Financing Party as provided in the Finance Agreement.
- B. The term of such repayment shall be determined at the time the Finance Agreement is executed by the Benefited Property Owner and the Financing Party, not to exceed the weighted average of the useful life of the systems and improvements as determined by EIC, acting on behalf of Monroe County.
- C. The rate of interest for the Secured Amount shall be fixed by the Financing Party in conjunction with EIC, acting on behalf of Monroe County, as provided in the Finance Agreement.

**§8. Levy of Annual Installment Amount and Creation of Annual Installment Lien.**

- A. Upon the making of the loan pursuant to the Finance Agreement, the Secured Amount shall become a special Benefit Assessment Lien on the Benefited Property in favor of

Monroe County. The amount of the Benefit Assessment Lien shall be the Secured Amount. Evidence of the Benefit Assessment Lien shall be recorded by EIC, on behalf of Monroe County, on the land records of the Monroe County Clerk's Office. Such recording shall be exempt from any charge, mortgage recording tax, or other fee in the same manner as if recorded by Monroe County. The Benefit Assessment Lien shall not be foreclosed upon by or otherwise enforced by Monroe County.

- B. The Finance Agreement shall provide for the repayment of the Secured Amount in installments made at least annually, as provided in a schedule attached to the Benefit Assessment Lien (the "Annual Installment Amount"). The Annual Installment Amount shall be levied by EIC, on behalf of Monroe County, on the Benefited Property in the same manner as levies for county charges and shall become a lien on the Benefited Property at midnight on the thirty-first day of December of the preceding year (the "Annual Installment Lien") and shall remain a lien until fully paid or otherwise satisfied or cancelled as provided by law. The creation or any recording of the Annual Installment Lien shall be exempt from any charge, mortgage recording tax, or other fee in the same manner as if recorded by Monroe County. Payment to the Financing Party shall be considered payment for this purpose. Such payment shall partly or wholly discharge the Annual Installment Lien. Delinquent Annual Installment Amounts may accrue Financing Charges as may be provided in the Finance Agreement. Any additional Financing Charges imposed by the Financing Party pursuant to the Finance Agreement shall increase the Annual Installment Amount and the Annual Installment Lien for the year in which such overdue payments were first due.
- C. The Benefit Assessment Lien shall be reduced annually by the amount of each Annual Installment Lien when each Annual Installment Lien becomes a lien. Each Annual Installment Lien shall be subordinate to all Municipal Liens, whether created pursuant to the RPTL, the Monroe County Tax Act, or by any other State or local law. No portion of a Secured Amount shall be recovered by Monroe County, EIC, or an assignee upon foreclosure, sale, or other disposition of the Benefited Property unless and until all Municipal Liens are fully discharged. Each Annual Installment Lien, however, shall have priority over all Non-Municipal Liens, irrespective of when created, except as otherwise required by law.
- D. Neither the Benefit Assessment Lien nor any Annual Installment Lien shall be extinguished or accelerated in the event of a default or bankruptcy of the Benefited Property Owner. Each Annual Installment Amount shall be considered a charge upon the Benefited Property and shall be collected by EIC, on behalf of Monroe County, at the same time and in the same manner as real property taxes or county charges. Each Annual Installment Lien shall remain a lien until paid. Amounts collected in respect of an Annual Installment Lien shall be remitted to EIC, on behalf of Monroe County, or the Financing Party, as may be provided in the Finance Agreement.
- E. EIC shall act as Monroe County's agent in collection of the Annual Installment Amounts. If any Benefited Property Owner fails to pay an Annual Installment Amount, the Financing Party may redeem the Benefited Property by paying the amount of all unpaid Municipal Liens thereon, and thereafter shall have the right to collect any amounts in

respect of an Annual Installment Lien by foreclosure or any other remedy available at law. Any foreclosure shall not affect any subsequent Annual Installment Liens.

F. EIC, on behalf of Monroe County, may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens to Financing Parties that provide financing to Qualified Properties pursuant to Finance Agreements. The Financing Parties may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens received from EIC, on behalf of the Municipality, subject to certain conditions provided in the administration agreement between EIC and the Financing Party. The assignee or assignees of such Benefit Assessment Liens and Annual Installment Liens shall have and possess the same powers and rights at law or in equity as Monroe County would have had if the Benefit Assessment Lien and the Annual Installment Liens had not been assigned with regard to the precedence and priority of such lien, the accrual of interest and the fees and expenses of collection. Notwithstanding the foregoing, no sale or assignment of a Benefit Assessment Lien and/or Annual Installment Lien shall be valid unless notice of such sale is recorded in the Monroe County Clerk's Office against the particular Qualified Property(ies) for which the Benefit Assessment Liens and/or Annual Installment Liens are being sold or assigned.

§9. **Verification and report.** EIC, on behalf of Monroe County, shall verify and report on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by the Program in such form and manner as the Authority may establish.

§10. **Separability.** If any clause, sentence, paragraph, section, or part of this local law 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, or part thereof involved in the controversy in which such judgment shall have been rendered.

Section 2. This local law shall take effect upon filing with the Secretary of State.

File No. 21-0131.LL

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF LOCAL LAW: \_\_\_\_\_



**ATTACHMENTS:**

	<b>Description</b>	<b>File Name</b>	<b>Type</b>
▢	<b>Referral</b>	<b>R21-0131.pdf</b>	<b>Referral Letter</b>
▢	<b>Resolution</b>	<b>ITEM_8.pdf</b>	<b>Resolution</b>



# Office of the County Executive Monroe County Legislature

Adam J. Bello  
County Executive

Michael Yudelson  
Legislator – District 13

Fred Ancello  
Legislator – District 6

Sean M. Delehanty  
Legislator – District 11

May 10, 2021

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

Subject: Enact a Local Law Establishing a Sustainable Energy Loan Program (OPEN C-PACE) in Monroe County and Authorize a Contract with Energy Improvement Corporation to Administer the Energize NY Open C-PACE Program

Honorable Legislators:

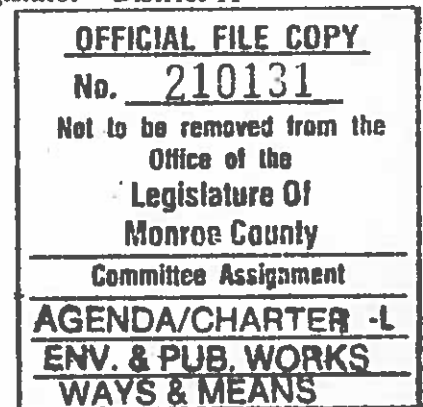
We recommend that Your Honorable Body enact a local law establishing a Sustainable Energy Loan Program (OPEN C-PACE) in Monroe County and authorize a contract with the Energy Improvement Corporation to administer this program for a period of ten (10) years commencing on or about July 1, 2021, with the option to renew for two (2) additional five-year terms.

The Commercial Property Assessed Clean Energy program, known as the Energize NY Open C-PACE Financing Program ("Open C-PACE") in New York, channels private capital to commercial and non-profit building owners to make energy upgrades to existing buildings or build new construction to higher energy standards. Open C-PACE enables building owners to improve their properties, lower operating expenses, and reduce energy consumption.

Open C-PACE differs from traditional bank loans as follows:

- Financing is available up to 100% of the project cost and may be combined with other financing.
- Competitive private financing from EIC-approved capital providers.
- Customizable loan terms up to the expected life of the improvements.
- Benefit assessment lien is subordinate to municipal taxes and senior to other liens (consent from mortgage holder is required).
- Automatically transfers to new owner upon sale of property.

Open C-PACE financing is a public benefit authorized by state law, with repayment secured through a benefit assessment lien on the improved property. The Energy Improvement Corporation ("EIC"), a non-profit, statewide local development corporation, administers Open C-PACE on behalf of its member municipalities. According to New York State Energy, Research, and Development Authority, EIC is the only authorized Open C-PACE program provider in Upstate New York. There are presently 61 member municipalities, including the City of Rochester.



To offer Open C-PACE, the County must pass a local law and sign an EIC municipal agreement. The County would have no fees to join the program, nor any financial exposure or responsibility to administer the program. Because the City of Rochester offers Open C-PACE within the City limits, the County's Open C-PACE Program would only be available to commercial and non-profit building properties within the County but outside the City municipal boundaries.

Once enabled, the County would provide the public benefit of Open C-PACE financing and EIC would administer the program. EIC would record the lien on the land records, bill the property owner directly, and administer collection of the payment. The capital provider would enforce the Open C-PACE lien only after paying any delinquent municipal taxes owed by the property owner to the municipality.

**The specific legislative actions required are:**

1. Schedule and hold a public hearing on the proposed Local Law.
2. Enact a Local Law establishing a Sustainable Energy Loan Program (OPEN C-PACE) in Monroe County.
3. Upon the effective date of the Local Law, authorize the County Executive, or his designee, to execute a contract, and any amendments thereto, with Energy Improvement Corporation, 2875 Route 35, Katonah, New York 10536, or any subsidiary or successor, to administer the Open C-PACE program for a period of ten (10) years commencing on or about July 1, 2021, with the option to renew for two (2) additional five-year terms.

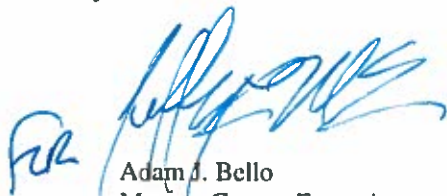
This is a Type II Action pursuant to 6 NYCRR §6217.5(c)(26) ("routine continuing agency administration and management not including new programs or major reordering of priorities that may affect the environment") and (33) ("adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list") and is not subject to further review under the State Environmental Quality Review Act.

No net County support is required in the current Monroe County budget.

The records in the office of the Monroe County Treasury have indicated that neither the Energy Improvement Corporation, nor its principal officer, Susan Morth, CEO, owe any delinquent Monroe County property taxes.

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

Sincerely,

  
For Adam J. Bello  
Monroe County Executive

  
Fred Ancello  
Monroe County Legislator – District 6

  
Michael Yudelson  
Monroe County Legislator – District 13

  
Sean M. Delehanty  
Monroe County Legislator – District 11

By Legislators Yudelson, Delehanty and Ancello

Intro No. \_\_\_\_

LOCAL LAW NO. \_\_\_\_ OF 2021

**ENACT A LOCAL LAW TO ESTABLISH A SUSTAINABLE ENERGY LOAN PROGRAM (OPEN C-PACE) IN MONROE COUNTY**

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

**Section 1. This local law shall be known as the “Energize NY Open C-PACE Financing Program” and shall read as follows:**

**ARTICLE I**

**§1. Legislative findings, intent and purpose, authority.**

- A. It is the policy of both Monroe County and the State of New York to achieve energy efficiency and renewable energy improvements, reduce greenhouse gas emissions, mitigate the effect of global climate change, and advance a clean energy economy. Monroe County finds that it can fulfill this policy by providing property assessed clean energy financing to Qualified Property Owners (as defined below) for the installation of renewable energy systems and energy efficiency measures. This local law establishes a program that will allow the Energy Improvement Corporation (as defined below, “EIC”), a local development corporation, acting on behalf of Monroe County pursuant to the municipal agreement (the “Municipal Agreement”) to be entered into between Monroe County and EIC make funds available to Qualified Property Owners that will be repaid through charges on the real properties benefited by such funds, thereby fulfilling the purposes of this local law and accomplishing an important public purpose. This local law provides a method of implementing the public policies expressed by, and exercising the authority provided by, Article 5-L of the General Municipal Law (as defined below, the “Enabling Act”).
- B. Monroe County is a municipality of the State constituting a tax district as defined in Section 1102 of the RPTL. Monroe County is authorized to execute, deliver and perform the Municipal Agreement and otherwise to implement this Energize NY Open C-PACE Financing Program pursuant to the Constitution and laws of New York, including particularly Article IX of the Constitution, Section 10 of the Municipal Home Rule Law, the Enabling Act and this local law.
- C. This local law, which is adopted pursuant to Section 10 of the Municipal Home Rule Law and the Enabling Act shall be known and may be cited as the “Energize NY Open C-PACE Local Law”.



## §2. Definitions

- A. Capitalized terms used but not defined herein have the meanings assigned in the Enabling Act.
- B. For purposes of this local law, and unless otherwise expressly stated or unless the context requires, the following terms shall have the meanings indicated:

**Annual Installment Amount** – shall have the meaning assigned in Section 8, paragraph B.

**Annual Installment Lien** – shall have the meaning assigned in Section 8 paragraph B.

**Authority** – the New York State Energy Research and Development Authority.

**Benefit Assessment Lien** – shall have the meaning assigned in Section 3, paragraph A.

**Benefited Property** – Qualified Property for which the Qualified Property Owner has entered into a Finance Agreement for a Qualified Project.

**Benefited Property Owner** – the owner of record of a Benefited Property.

**EIC** – the Energy Improvement Corporation, a local development corporation duly organized under section 1411 of the Not-For-Profit Corporation Law of the State, authorized hereby on behalf of Monroe County to implement the Program by providing funds to Qualified Property Owners and providing for repayment of such funds from money collected by or on behalf of Monroe County as a charge to be levied on the real property.

**Eligible Costs** – costs incurred by the Benefited Property Owner in connection with a Qualified Project and the related Finance Agreement, including application fees, EIC's Program administration fee, closing costs and fees, title and appraisal fees, professionals' fees, permits, fees for design and drawings and any other related fees, expenses and costs, in each case as approved by EIC and the Financing Party under the Finance Agreement

**Enabling Act** – Article 5-L of the General Municipal Law of the State, or a successor law, as in effect from time to time.

**Finance Agreement** – the finance agreement described in Section 6A of this local law.

**Financing Charges** – all charges, fees, and expenses related to the loan under the Finance Agreement including accrued interest, capitalized interest, prepayment premiums, and penalties as a result of a default or late payment and costs and reasonable attorneys' fees incurred by the Financing Party as a result of a foreclosure or other legal proceeding brought against the Benefited Property to enforce any delinquent Annual Installment Liens.

**Financing Parties** – Third-party capital providers approved by EIC to provide financing to Qualified Property Owners or other financial support to the Program which have entered into separate agreements with EIC to administer the Program in Monroe County.

**Municipal Lien** – a lien on Qualified Property which secures the obligation to pay real property taxes, municipal charges, or governmentally imposed assessments in respect of services or benefits to a Qualified Property.

**Non-Municipal Lien** – a lien on Qualified Property which secures any obligation other than the obligation to pay real property taxes, municipal charges, or governmentally-imposed assessments in respect of services or benefits to a Qualified Property Owner or Qualified Property.

**Program** – the Energize NY Open C-PACE Financing Program authorized hereby.

**Qualified Project** – the acquisition, construction, reconstruction or equipping of Energy Efficiency Improvements or Renewable Energy Systems or other projects authorized under the Enabling Act on a Qualified Property, together with a related Energy Audit, Renewable Energy System Feasibility Study and/or other requirements under or pursuant to the Enabling Act, with funds provided in whole or in part by Financing Parties under the Program to achieve the purposes of the Enabling Act.

**Qualified Property** – Any real property other than a residential building containing less than three dwelling units, which is within the boundaries of Monroe County that has been determined to be eligible to participate in the Program under the procedures for eligibility set forth under this local law and the Enabling Act and has become the site of a Qualified Project.

**Qualified Property Owner** – the owner of record of Qualified Property which has been determined by EIC to meet the requirements for participation in the Program as an owner, and any transferee owner of such Qualified Property.

**RPTL** – the Real Property Tax Law of the State, as amended from time to time.

**Secured Amount** – as of any date, the aggregate amount of principal loaned to the Qualified Property Owner for a Qualified Project, together with Eligible Costs and Financing Charges, as provided herein or in the Finance Agreement, as reduced pursuant to Section 8, paragraph C.

**State** – the State of New York.

### **§3. Establishment of an Energize NY Open C-PACE Financing Program**

- A. An Energize NY Open C-PACE Financing Program is hereby established by Monroe County, whereby EIC acting on its behalf pursuant to the Municipal Agreement, may arrange for the provision of funds by Financing Parties to Qualified Property Owners in accordance with the Enabling Act and the procedures set forth under this local law, to finance the acquisition, construction, reconstruction, and installation of Qualified Projects and Eligible Costs and Financing Charges approved by EIC and by the Financing Party under the Finance Agreement. EIC, on behalf of Monroe County, and with the consent of the Benefited Property Owner, will record a Benefit Assessment Lien on the Benefited Property in the Secured Amount (the “Benefit Assessment Lien”) on the land records of the Monroe County Clerk’s Office. Such recording shall be exempt from any charge, mortgage recording tax, or other fee in the same manner as if recorded by Monroe County.
- B. Before a Qualified Property Owner and a Financing Party enter into a Finance Agreement which results in a loan to finance a Qualified Project, repayment of which is secured by a

Benefit Assessment Lien, a written consent from each existing mortgage holder of the Qualified Property shall be obtained, permitting the Benefit Assessment Lien and each Annual Installment Lien to take priority over all existing mortgages.

**§4. Procedures for eligibility**

- A. Any property owner in Monroe County may submit an application to EIC on such forms as have been prepared by EIC and made available to property owners on the website of EIC and at Monroe County's offices.
- B. Every application submitted by a property owner shall be reviewed by EIC, acting on behalf of Monroe County, which shall make a positive or negative determination on such application based upon the criteria enumerated in the Enabling Act and § 5 of this local law. EIC may also request further information from the property owner where necessary to aid in its determination.
- C. If a positive determination on an application is made by EIC, acting on behalf of Monroe County, the property owner shall be deemed a Qualified Property Owner and shall be eligible to participate in the Program in accordance with § 6 of this local law.

**§5. Application criteria.** Upon the submission of an application, EIC, acting on behalf of Monroe County, shall make a positive or negative determination on such application based upon the following criteria for the making of a financing:

- A. The property owner may not be in bankruptcy and the property may not constitute property subject to any pending bankruptcy proceeding;
- B. The amount financed under the Program shall be repaid over a term not to exceed the weighted average of the useful life of Renewable Energy Systems and Energy Efficiency Improvements to be installed on the property, as determined by EIC;
- C. Sufficient funds are available from Financing Parties to provide financing to the property owner;
- D. The property owner is current in payments on any existing mortgage on the Qualified Property;
- E. The property owner is current on payments, with respect to the Qualified Property, on any real property taxes, municipal charges, and governmentally imposed assessments in respect of services or benefits, including the Monroe County Hotel Room Occupancy Tax, if applicable; and
- F. Such additional criteria, not inconsistent with the criteria set forth above, as the State, Monroe County, or EIC acting on its behalf, or other Financing Parties may set from time to time.

**§6. Energize NY Finance Agreement**

- A. A Qualified Property Owner may participate in the Program through the execution of a finance agreement made by and between the Qualified Property Owner and a Financing Party, to which EIC, on behalf of Monroe County, shall be a third-party beneficiary (the "Finance Agreement"). Upon execution and delivery of the Finance Agreement, the property that is the subject of the Finance Agreement shall be deemed a "Benefited Property").
- B. Upon execution and delivery of the Finance Agreement, the Benefited Property Owner shall be eligible to receive funds from the Financing Party for the acquisition, construction, and installation of a Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, provided the requirements of the Enabling Act, the Municipal Agreement and this local law have been met.
- C. The Finance Agreement shall include the terms and conditions of repayment of the Secured Amount and the Annual Installment Amounts.
- D. EIC may charge fees to offset the costs of administering the Program and such fees, if not paid by the Financing Party, shall be added to the Secured Amount.

**§7. Terms and conditions of repayment.** The Finance Agreement shall set forth the terms and conditions of repayment in accordance with the following:

- A. The principal amount of the funds loaned to the Benefited Property Owner for the Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, shall be specially assessed against the Benefited Property and will be evidenced by a Benefit Assessment Lien recorded against the Benefited Property on the land records of the Monroe County Clerk's Office. The special benefit assessment shall constitute a "charge" within the meaning of the Enabling Act and shall be collected in annual installments in the amounts certified by the Financing Party in a schedule provided at closing and made part of the Benefit Assessment Lien. Said amount shall be annually levied, billed, and collected by EIC, on behalf of Monroe County, and shall be paid to the Financing Party as provided in the Finance Agreement.
- B. The term of such repayment shall be determined at the time the Finance Agreement is executed by the Benefited Property Owner and the Financing Party, not to exceed the weighted average of the useful life of the systems and improvements as determined by EIC, acting on behalf of Monroe County.
- C. The rate of interest for the Secured Amount shall be fixed by the Financing Party in conjunction with EIC, acting on behalf of Monroe County, as provided in the Finance Agreement.

**§8. Levy of Annual Installment Amount and Creation of Annual Installment Lien.**

- A. Upon the making of the loan pursuant to the Finance Agreement, the Secured Amount shall become a special Benefit Assessment Lien on the Benefited Property in favor of

Monroe County. The amount of the Benefit Assessment Lien shall be the Secured Amount. Evidence of the Benefit Assessment Lien shall be recorded by EIC, on behalf of Monroe County, on the land records of the Monroe County Clerk's Office. Such recording shall be exempt from any charge, mortgage recording tax, or other fee in the same manner as if recorded by Monroe County. The Benefit Assessment Lien shall not be foreclosed upon by or otherwise enforced by Monroe County.

- B. The Finance Agreement shall provide for the repayment of the Secured Amount in installments made at least annually, as provided in a schedule attached to the Benefit Assessment Lien (the "Annual Installment Amount"). The Annual Installment Amount shall be levied by EIC, on behalf of Monroe County, on the Benefited Property in the same manner as levies for county charges and shall become a lien on the Benefited Property at midnight on the thirty-first day of December of the preceding year (the "Annual Installment Lien") and shall remain a lien until fully paid or otherwise satisfied or cancelled as provided by law. The creation or any recording of the Annual Installment Lien shall be exempt from any charge, mortgage recording tax, or other fee in the same manner as if recorded by Monroe County. Payment to the Financing Party shall be considered payment for this purpose. Such payment shall partly or wholly discharge the Annual Installment Lien. Delinquent Annual Installment Amounts may accrue Financing Charges as may be provided in the Finance Agreement. Any additional Financing Charges imposed by the Financing Party pursuant to the Finance Agreement shall increase the Annual Installment Amount and the Annual Installment Lien for the year in which such overdue payments were first due.
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- D. Neither the Benefit Assessment Lien nor any Annual Installment Lien shall be extinguished or accelerated in the event of a default or bankruptcy of the Benefited Property Owner. Each Annual Installment Amount shall be considered a charge upon the Benefited Property and shall be collected by EIC, on behalf of Monroe County, at the same time and in the same manner as real property taxes or county charges. Each Annual Installment Lien shall remain a lien until paid. Amounts collected in respect of an Annual Installment Lien shall be remitted to EIC, on behalf of Monroe County, or the Financing Party, as may be provided in the Finance Agreement.
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respect of an Annual Installment Lien by foreclosure or any other remedy available at law. Any foreclosure shall not affect any subsequent Annual Installment Liens.

- F. EIC, on behalf of Monroe County, may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens to Financing Parties that provide financing to Qualified Properties pursuant to Finance Agreements. The Financing Parties may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens received from EIC, on behalf of the Municipality, subject to certain conditions provided in the administration agreement between EIC and the Financing Party. The assignee or assignees of such Benefit Assessment Liens and Annual Installment Liens shall have and possess the same powers and rights at law or in equity as Monroe County would have had if the Benefit Assessment Lien and the Annual Installment Liens had not been assigned with regard to the precedence and priority of such lien, the accrual of interest and the fees and expenses of collection. Notwithstanding the foregoing, no sale or assignment of a Benefit Assessment Lien and/or Annual Installment Lien shall be valid unless notice of such sale is recorded in the Monroe County Clerk's Office against the particular Qualified Property(ies) for which the Benefit Assessment Liens and/or Annual Installment Liens are being sold or assigned.

**§9. Verification and report.** EIC, on behalf of Monroe County, shall verify and report on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by the Program in such form and manner as the Authority may establish.

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Section 2. This local law shall take effect upon filing with the Secretary of State.

File No. 21-0131.LL

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

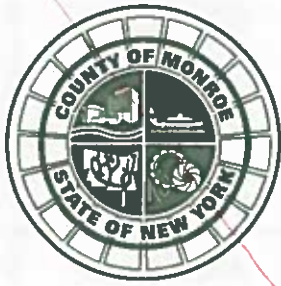
ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF LOCAL LAW: \_\_\_\_\_

See Substituted 1



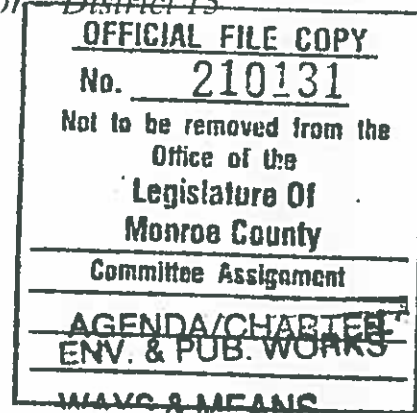
# Office of the County Executive Monroe County Legislature

**Adam J. Bello**  
*County Executive*

**Michael Yudelson**  
*Legislator - District 13*

April 9, 2021

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



**Subject:** Enact a Local Law Establishing a Sustainable Energy Loan Program (OPEN C-PACE) in Monroe County and Authorize a Contract with Energy Improvement Corporation to Administer the Energize NY Open C-PACE Program

Honorable Legislators:

We recommend that Your Honorable Body enact a local law establishing a Sustainable Energy Loan Program (OPEN C-PACE) in Monroe County and authorize a contract with the Energy Improvement Corporation to administer this program for a period of ten (10) years commencing on or about July 1, 2021, with the option to renew for two (2) additional five-year terms.

The Commercial Property Assessed Clean Energy program, known as the Energize NY Open C-PACE Financing Program ("Open C-PACE") in New York, channels private capital to commercial and non-profit building owners to make energy upgrades to existing buildings or build new construction to higher energy standards. Open C-PACE enables building owners to improve their properties, lower operating expenses, and reduce energy consumption.

Open C-PACE differs from traditional bank loans as follows:

- Financing is available up to 100% of the project cost and may be combined with other financing.
- Competitive private financing from EIC-approved capital providers.
- Customizable loan terms up to the expected life of the improvements.
- Benefit assessment lien is subordinate to municipal taxes and senior to other liens (consent from mortgage holder is required).
- Automatically transfers to new owner upon sale of property.

Open C-PACE financing is a public benefit authorized by state law, with repayment secured through a benefit assessment lien on the improved property. The Energy Improvement Corporation ("EIC"), a non-profit, statewide local development corporation, administers Open C-PACE on behalf of its member municipalities. According to New York State Energy, Research, and Development Authority, EIC is the only authorized Open C-PACE program provider in Upstate New York. There are presently 61 member municipalities, including the City of Rochester.

110 County Office Building • 39 West Main Street • Rochester, New York 14614

To offer Open C-PACE, the County must pass a local law and sign an EIC municipal agreement. The County would have no fees to join the program, nor any financial exposure or responsibility to administer the program. Because the City of Rochester offers Open C-PACE within the City limits, the County's Open C-PACE Program would only be available to commercial and non-profit building properties within the County but outside the City municipal boundaries.

Once enabled, the County would provide the public benefit of Open C-PACE financing and EIC would administer the program. EIC would record the lien on the land records, bill the property owner directly, and administer collection of the payment. The capital provider would enforce the Open C-PACE lien only after paying any delinquent municipal taxes owed by the property owner to the municipality.

**The specific legislative actions required are:**

1. Schedule and hold a public hearing on the proposed Local Law.
2. Enact a Local Law establishing a Sustainable Energy Loan Program (OPEN C-PACE) in Monroe County.
3. Upon the effective date of the Local Law, authorize the County Executive, or his designee, to execute a contract, and any amendments thereto, with Energy Improvement Corporation, 2875 Route 35, Katonah, New York 10536, or any subsidiary or successor, to administer the Open C-PACE program for a period of ten (10) years commencing on or about July 1, 2021, with the option to renew for two (2) additional five-year terms.

This is a Type II Action pursuant to 6 NYCRR §6217.5(c)(26) ("routine continuing agency administration and management not including new programs or major reordering of priorities that may affect the environment") and (33) ("adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list") and is not subject to further review under the State Environmental Quality Review Act.

No net County support is required in the current Monroe County budget.

The records in the office of the Monroe County Treasury have indicated that neither the Energy Improvement Corporation, nor its principal officer, Susan Morth, CEO, owe any delinquent Monroe County property taxes.

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

Sincerely,



Adam V. Bello  
Monroe County Executive

Sincerely,



Michael Yudelson  
Monroe County Legislator – District 13



By Legislators Yudelson, Delehanty and Ancello

Intro. No. \_\_\_\_

MOTION NO. \_\_\_\_ OF 2021

**PROVIDING THAT LOCAL LAW (INTRO. NO. \_\_\_\_ OF 2021) ESTABLISHING A SUSTAINABLE ENERGY LOAN PROGRAM (OPEN C-PACE) IN MONROE COUNTY, BE TABLED**

BE IT MOVED, that Local Law (Intro. No. \_\_\_\_ of 2021) Establishing a Sustainable Energy Loan Program (OPEN C-PACE) in Monroe County, be tabled.

File No. 21-0131.LL

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_



**ATTACHMENTS:**

	<b>Description</b>	<b>File Name</b>	<b>Type</b>
▢	<b>Referral</b>	<b>R21-0131.pdf</b>	<b>Referral Letter</b>
▢	<b>Resolution</b>	<b>ITEM_9.pdf</b>	<b>Resolution</b>



# Office of the County Executive Monroe County Legislature

Adam J. Bello  
County Executive

Michael Yudelson  
Legislator – District 13

Fred Ancello  
Legislator – District 6

Sean M. Delehanty  
Legislator – District 11

May 10, 2021

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

Subject: Enact a Local Law Establishing a Sustainable Energy Loan Program (OPEN C-PACE) in Monroe County and Authorize a Contract with Energy Improvement Corporation to Administer the Energize NY Open C-PACE Program

Honorable Legislators:

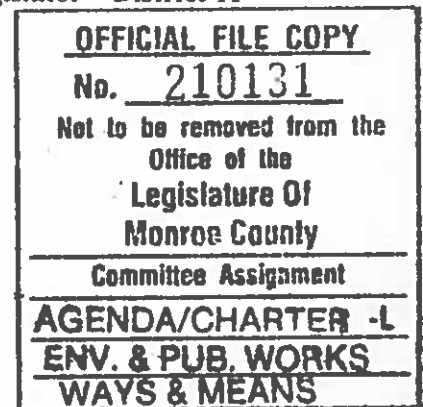
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**The specific legislative actions required are:**

1. Schedule and hold a public hearing on the proposed Local Law.
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We recommend this matter be referred to the appropriate committee(s) for favorable action by Your Honorable Body.

Sincerely,

  
For  
Adam J. Bello  
Monroe County Executive

  
Fred Ancello  
Monroe County Legislator – District 6

  
Michael Yudelson  
Monroe County Legislator – District 13

  
Sean M. Delehanty  
Monroe County Legislator – District 11

By Legislators Yudelson, Delehanty and Ancello

Intro No. \_\_\_\_

LOCAL LAW NO. \_\_\_\_ OF 2021

**ENACT A LOCAL LAW TO ESTABLISH A SUSTAINABLE ENERGY LOAN PROGRAM (OPEN C-PACE) IN MONROE COUNTY**

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

**Section 1. This local law shall be known as the “Energize NY Open C-PACE Financing Program” and shall read as follows:**

**ARTICLE I**

**§1. Legislative findings, intent and purpose, authority.**

- A. It is the policy of both Monroe County and the State of New York to achieve energy efficiency and renewable energy improvements, reduce greenhouse gas emissions, mitigate the effect of global climate change, and advance a clean energy economy. Monroe County finds that it can fulfill this policy by providing property assessed clean energy financing to Qualified Property Owners (as defined below) for the installation of renewable energy systems and energy efficiency measures. This local law establishes a program that will allow the Energy Improvement Corporation (as defined below, “EIC”), a local development corporation, acting on behalf of Monroe County pursuant to the municipal agreement (the “Municipal Agreement”) to be entered into between Monroe County and EIC make funds available to Qualified Property Owners that will be repaid through charges on the real properties benefited by such funds, thereby fulfilling the purposes of this local law and accomplishing an important public purpose. This local law provides a method of implementing the public policies expressed by, and exercising the authority provided by, Article 5-L of the General Municipal Law (as defined below, the “Enabling Act”).
- B. Monroe County is a municipality of the State constituting a tax district as defined in Section 1102 of the RPTL. Monroe County is authorized to execute, deliver and perform the Municipal Agreement and otherwise to implement this Energize NY Open C-PACE Financing Program pursuant to the Constitution and laws of New York, including particularly Article IX of the Constitution, Section 10 of the Municipal Home Rule Law, the Enabling Act and this local law.
- C. This local law, which is adopted pursuant to Section 10 of the Municipal Home Rule Law and the Enabling Act shall be known and may be cited as the “Energize NY Open C-PACE Local Law”.

**§2. Definitions**

- A. Capitalized terms used but not defined herein have the meanings assigned in the Enabling Act.
- B. For purposes of this local law, and unless otherwise expressly stated or unless the context requires, the following terms shall have the meanings indicated:

**Annual Installment Amount** – shall have the meaning assigned in Section 8, paragraph B.

**Annual Installment Lien** – shall have the meaning assigned in Section 8 paragraph B.

**Authority** – the New York State Energy Research and Development Authority.

**Benefit Assessment Lien** – shall have the meaning assigned in Section 3, paragraph A.

**Benefited Property** – Qualified Property for which the Qualified Property Owner has entered into a Finance Agreement for a Qualified Project.

**Benefited Property Owner** – the owner of record of a Benefited Property.

**EIC** – the Energy Improvement Corporation, a local development corporation duly organized under section 1411 of the Not-For-Profit Corporation Law of the State, authorized hereby on behalf of Monroe County to implement the Program by providing funds to Qualified Property Owners and providing for repayment of such funds from money collected by or on behalf of Monroe County as a charge to be levied on the real property.

**Eligible Costs** – costs incurred by the Benefited Property Owner in connection with a Qualified Project and the related Finance Agreement, including application fees, EIC's Program administration fee, closing costs and fees, title and appraisal fees, professionals' fees, permits, fees for design and drawings and any other related fees, expenses and costs, in each case as approved by EIC and the Financing Party under the Finance Agreement

**Enabling Act** – Article 5-L of the General Municipal Law of the State, or a successor law, as in effect from time to time.

**Finance Agreement** – the finance agreement described in Section 6A of this local law.

**Financing Charges** – all charges, fees, and expenses related to the loan under the Finance Agreement including accrued interest, capitalized interest, prepayment premiums, and penalties as a result of a default or late payment and costs and reasonable attorneys' fees incurred by the Financing Party as a result of a foreclosure or other legal proceeding brought against the Benefited Property to enforce any delinquent Annual Installment Liens.

**Financing Parties** – Third-party capital providers approved by EIC to provide financing to Qualified Property Owners or other financial support to the Program which have entered into separate agreements with EIC to administer the Program in Monroe County.

**Municipal Lien** – a lien on Qualified Property which secures the obligation to pay real property taxes, municipal charges, or governmentally imposed assessments in respect of services or benefits to a Qualified Property.

**Non-Municipal Lien** – a lien on Qualified Property which secures any obligation other than the obligation to pay real property taxes, municipal charges, or governmentally-imposed assessments in respect of services or benefits to a Qualified Property Owner or Qualified Property.

**Program** – the Energize NY Open C-PACE Financing Program authorized hereby.

**Qualified Project** – the acquisition, construction, reconstruction or equipping of Energy Efficiency Improvements or Renewable Energy Systems or other projects authorized under the Enabling Act on a Qualified Property, together with a related Energy Audit, Renewable Energy System Feasibility Study and/or other requirements under or pursuant to the Enabling Act, with funds provided in whole or in part by Financing Parties under the Program to achieve the purposes of the Enabling Act.

**Qualified Property** – Any real property other than a residential building containing less than three dwelling units, which is within the boundaries of Monroe County that has been determined to be eligible to participate in the Program under the procedures for eligibility set forth under this local law and the Enabling Act and has become the site of a Qualified Project.

**Qualified Property Owner** – the owner of record of Qualified Property which has been determined by EIC to meet the requirements for participation in the Program as an owner, and any transferee owner of such Qualified Property.

**RPTL** – the Real Property Tax Law of the State, as amended from time to time.

**Secured Amount** – as of any date, the aggregate amount of principal loaned to the Qualified Property Owner for a Qualified Project, together with Eligible Costs and Financing Charges, as provided herein or in the Finance Agreement, as reduced pursuant to Section 8, paragraph C.

**State** – the State of New York.

### **§3. Establishment of an Energize NY Open C-PACE Financing Program**

- A. An Energize NY Open C-PACE Financing Program is hereby established by Monroe County, whereby EIC acting on its behalf pursuant to the Municipal Agreement, may arrange for the provision of funds by Financing Parties to Qualified Property Owners in accordance with the Enabling Act and the procedures set forth under this local law, to finance the acquisition, construction, reconstruction, and installation of Qualified Projects and Eligible Costs and Financing Charges approved by EIC and by the Financing Party under the Finance Agreement. EIC, on behalf of Monroe County, and with the consent of the Benefited Property Owner, will record a Benefit Assessment Lien on the Benefited Property in the Secured Amount (the “Benefit Assessment Lien”) on the land records of the Monroe County Clerk’s Office. Such recording shall be exempt from any charge, mortgage recording tax, or other fee in the same manner as if recorded by Monroe County.
- B. Before a Qualified Property Owner and a Financing Party enter into a Finance Agreement which results in a loan to finance a Qualified Project, repayment of which is secured by a

Benefit Assessment Lien, a written consent from each existing mortgage holder of the Qualified Property shall be obtained, permitting the Benefit Assessment Lien and each Annual Installment Lien to take priority over all existing mortgages.

**§4. Procedures for eligibility**

- A. Any property owner in Monroe County may submit an application to EIC on such forms as have been prepared by EIC and made available to property owners on the website of EIC and at Monroe County's offices.
- B. Every application submitted by a property owner shall be reviewed by EIC, acting on behalf of Monroe County, which shall make a positive or negative determination on such application based upon the criteria enumerated in the Enabling Act and § 5 of this local law. EIC may also request further information from the property owner where necessary to aid in its determination.
- C. If a positive determination on an application is made by EIC, acting on behalf of Monroe County, the property owner shall be deemed a Qualified Property Owner and shall be eligible to participate in the Program in accordance with § 6 of this local law.

**§5. Application criteria.** Upon the submission of an application, EIC, acting on behalf of Monroe County, shall make a positive or negative determination on such application based upon the following criteria for the making of a financing:

- A. The property owner may not be in bankruptcy and the property may not constitute property subject to any pending bankruptcy proceeding;
- B. The amount financed under the Program shall be repaid over a term not to exceed the weighted average of the useful life of Renewable Energy Systems and Energy Efficiency Improvements to be installed on the property, as determined by EIC;
- C. Sufficient funds are available from Financing Parties to provide financing to the property owner;
- D. The property owner is current in payments on any existing mortgage on the Qualified Property;
- E. The property owner is current on payments, with respect to the Qualified Property, on any real property taxes, municipal charges, and governmentally imposed assessments in respect of services or benefits, including the Monroe County Hotel Room Occupancy Tax, if applicable; and
- F. Such additional criteria, not inconsistent with the criteria set forth above, as the State, Monroe County, or EIC acting on its behalf, or other Financing Parties may set from time to time.



**§6. Energize NY Finance Agreement**

- A. A Qualified Property Owner may participate in the Program through the execution of a finance agreement made by and between the Qualified Property Owner and a Financing Party, to which EIC, on behalf of Monroe County, shall be a third-party beneficiary (the "Finance Agreement"). Upon execution and delivery of the Finance Agreement, the property that is the subject of the Finance Agreement shall be deemed a "Benefited Property").
- B. Upon execution and delivery of the Finance Agreement, the Benefited Property Owner shall be eligible to receive funds from the Financing Party for the acquisition, construction, and installation of a Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, provided the requirements of the Enabling Act, the Municipal Agreement and this local law have been met.
- C. The Finance Agreement shall include the terms and conditions of repayment of the Secured Amount and the Annual Installment Amounts.
- D. EIC may charge fees to offset the costs of administering the Program and such fees, if not paid by the Financing Party, shall be added to the Secured Amount.

**§7. Terms and conditions of repayment.** The Finance Agreement shall set forth the terms and conditions of repayment in accordance with the following:

- A. The principal amount of the funds loaned to the Benefited Property Owner for the Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, shall be specially assessed against the Benefited Property and will be evidenced by a Benefit Assessment Lien recorded against the Benefited Property on the land records of the Monroe County Clerk's Office. The special benefit assessment shall constitute a "charge" within the meaning of the Enabling Act and shall be collected in annual installments in the amounts certified by the Financing Party in a schedule provided at closing and made part of the Benefit Assessment Lien. Said amount shall be annually levied, billed, and collected by EIC, on behalf of Monroe County, and shall be paid to the Financing Party as provided in the Finance Agreement.
- B. The term of such repayment shall be determined at the time the Finance Agreement is executed by the Benefited Property Owner and the Financing Party, not to exceed the weighted average of the useful life of the systems and improvements as determined by EIC, acting on behalf of Monroe County.
- C. The rate of interest for the Secured Amount shall be fixed by the Financing Party in conjunction with EIC, acting on behalf of Monroe County, as provided in the Finance Agreement.

**§8. Levy of Annual Installment Amount and Creation of Annual Installment Lien.**

- A. Upon the making of the loan pursuant to the Finance Agreement, the Secured Amount shall become a special Benefit Assessment Lien on the Benefited Property in favor of

Monroe County. The amount of the Benefit Assessment Lien shall be the Secured Amount. Evidence of the Benefit Assessment Lien shall be recorded by EIC, on behalf of Monroe County, on the land records of the Monroe County Clerk's Office. Such recording shall be exempt from any charge, mortgage recording tax, or other fee in the same manner as if recorded by Monroe County. The Benefit Assessment Lien shall not be foreclosed upon by or otherwise enforced by Monroe County.

- B. The Finance Agreement shall provide for the repayment of the Secured Amount in installments made at least annually, as provided in a schedule attached to the Benefit Assessment Lien (the "Annual Installment Amount"). The Annual Installment Amount shall be levied by EIC, on behalf of Monroe County, on the Benefited Property in the same manner as levies for county charges and shall become a lien on the Benefited Property at midnight on the thirty-first day of December of the preceding year (the "Annual Installment Lien") and shall remain a lien until fully paid or otherwise satisfied or cancelled as provided by law. The creation or any recording of the Annual Installment Lien shall be exempt from any charge, mortgage recording tax, or other fee in the same manner as if recorded by Monroe County. Payment to the Financing Party shall be considered payment for this purpose. Such payment shall partly or wholly discharge the Annual Installment Lien. Delinquent Annual Installment Amounts may accrue Financing Charges as may be provided in the Finance Agreement. Any additional Financing Charges imposed by the Financing Party pursuant to the Finance Agreement shall increase the Annual Installment Amount and the Annual Installment Lien for the year in which such overdue payments were first due.
- C. The Benefit Assessment Lien shall be reduced annually by the amount of each Annual Installment Lien when each Annual Installment Lien becomes a lien. Each Annual Installment Lien shall be subordinate to all Municipal Liens, whether created pursuant to the RPTL, the Monroe County Tax Act, or by any other State or local law. No portion of a Secured Amount shall be recovered by Monroe County, EIC, or an assignee upon foreclosure, sale, or other disposition of the Benefited Property unless and until all Municipal Liens are fully discharged. Each Annual Installment Lien, however, shall have priority over all Non-Municipal Liens, irrespective of when created, except as otherwise required by law.
- D. Neither the Benefit Assessment Lien nor any Annual Installment Lien shall be extinguished or accelerated in the event of a default or bankruptcy of the Benefited Property Owner. Each Annual Installment Amount shall be considered a charge upon the Benefited Property and shall be collected by EIC, on behalf of Monroe County, at the same time and in the same manner as real property taxes or county charges. Each Annual Installment Lien shall remain a lien until paid. Amounts collected in respect of an Annual Installment Lien shall be remitted to EIC, on behalf of Monroe County, or the Financing Party, as may be provided in the Finance Agreement.
- E. EIC shall act as Monroe County's agent in collection of the Annual Installment Amounts. If any Benefited Property Owner fails to pay an Annual Installment Amount, the Financing Party may redeem the Benefited Property by paying the amount of all unpaid Municipal Liens thereon, and thereafter shall have the right to collect any amounts in

respect of an Annual Installment Lien by foreclosure or any other remedy available at law. Any foreclosure shall not affect any subsequent Annual Installment Liens.

F. EIC, on behalf of Monroe County, may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens to Financing Parties that provide financing to Qualified Properties pursuant to Finance Agreements. The Financing Parties may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens received from EIC, on behalf of the Municipality, subject to certain conditions provided in the administration agreement between EIC and the Financing Party. The assignee or assignees of such Benefit Assessment Liens and Annual Installment Liens shall have and possess the same powers and rights at law or in equity as Monroe County would have had if the Benefit Assessment Lien and the Annual Installment Liens had not been assigned with regard to the precedence and priority of such lien, the accrual of interest and the fees and expenses of collection. Notwithstanding the foregoing, no sale or assignment of a Benefit Assessment Lien and/or Annual Installment Lien shall be valid unless notice of such sale is recorded in the Monroe County Clerk's Office against the particular Qualified Property(ies) for which the Benefit Assessment Liens and/or Annual Installment Liens are being sold or assigned.

**§9. Verification and report.** EIC, on behalf of Monroe County, shall verify and report on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by the Program in such form and manner as the Authority may establish.

**§10. Separability.** If any clause, sentence, paragraph, section, or part of this local law 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, or part thereof involved in the controversy in which such judgment shall have been rendered.

Section 2. This local law shall take effect upon filing with the Secretary of State.

File No. 21-0131.LL

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

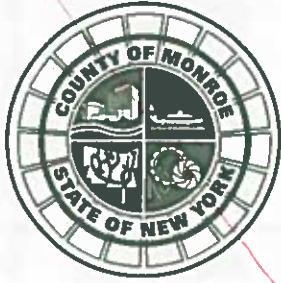
ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF LOCAL LAW: \_\_\_\_\_

See Substituted 7



# Office of the County Executive Monroe County Legislature

**Adam J. Bello**  
*County Executive*

**Michael Yudelson**  
*Legislator - District 13*

April 9, 2021

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

<b>OFFICIAL FILE COPY</b>
No. <u>210131</u>
Not to be removed from the Office of the Legislature Of Monroe County
Committee Assignment
<del>AGENDA/CHARTER</del>
<del>ENV. &amp; PUB. WORKS</del>
<del>WAYS &amp; MEANS</del>

**Subject:** Enact a Local Law Establishing a Sustainable Energy Loan Program (OPEN C-PACE) in Monroe County and Authorize a Contract with Energy Improvement Corporation to Administer the Energize NY Open C-PACE Program

Honorable Legislators:

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

Sincerely,



Adam V. Bello  
Monroe County Executive

Sincerely,



Michael Yudelson  
Monroe County Legislator – District 13

By Legislators Yudelson, Delehanty and Ancello

Intro. No. \_\_\_\_\_

RESOLUTION NO. \_\_\_\_ OF 2021

**FIXING A PUBLIC HEARING ON LOCAL LAW (INTRO. NO. \_\_\_\_ OF 2021) ESTABLISHING A SUSTAINABLE ENERGY LOAN PROGRAM (OPEN C-PACE) IN MONROE COUNTY**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. That there will be a public hearing at 6:16 P.M. on the 8th day of June, 2021, in the Legislative Chambers in the County Office Building, Rochester, New York on Local Law (Intro. No. \_\_\_\_ of 2021) Establishing a Sustainable Energy Loan Program (OPEN C-PACE) in Monroe County.

Section 2. The Clerk of the Legislature is directed to give notice of the time and place of this public hearing, and a description of the proposed local law, to the news media within the County, and shall conspicuously post a copy of said notice in the office of the Clerk at least five days before said hearing. In addition, the Clerk shall cause said notice to be published once in the official newspapers of general circulation within the County at least five days before said hearing.

Section 3. This resolution shall take effect immediately.

File No. 21-0131.LL

ADOPTION: Date: \_\_\_\_\_

Vote: \_\_\_\_\_



**ATTACHMENTS:**

	<b>Description</b>	<b>File Name</b>	<b>Type</b>
▢	<b>Referral</b>	<b>R21-0164.pdf</b>	<b>Referral Letter</b>
▢	<b>Resolution</b>	<b>ITEM_10.pdf</b>	<b>Resolution</b>



# Monroe County Legislature

**Vincent R. Felder**  
Democratic Minority Leader

**Ernest Flagler-Mitchell**  
Black & Asian Caucus Leader

April 27, 2021

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

<b>OFFICIAL FILE COPY</b>	
No.	<b>210164</b>
Not to be removed from the Office of the Legislature of Monroe County	
Committee Assignment	
<b>URGENT</b> -L	

**Subject: Enact a Local Law Entitled, "Operation of Off-Road Vehicles on Public Highways in Monroe County"**

Honorable Legislators:

For over a year, our community has seen a steady increase in the use of All-Terrain Vehicles (ATVs) and other off-road vehicles across Monroe County. Constituents across the County have reported this increase first-hand; loud dirt bikes and ATVs, small, motorized bikes weaving in and out of traffic, and witness accounts of tragedies caused by the same. It is clear that action must be taken to protect both the safety and quality of life for residents.

The current laws do not provide the clarity to our law enforcement required to take the necessary actions against these unregistered, uninspected, unlawful and dangerous vehicles. The majority of these pertinent vehicles are not supposed to be or intended to be driven on roads used for vehicular traffic. This problem is only exacerbated by the common group usage of these vehicles which creates additional proximity hazards for vehicle users in the group and all those around them.

In the past year alone, the operation of such off-road vehicles has created a number of unnecessary tragedies, injuries, and even fatalities – even one is too many. The rampant unlawful usage of these vehicles continues to create a safety hazard and quality of life detriment for nearly all facets of our community. Lawful motorists and pedestrians are put at risk from unregistered off-road vehicles, often invisible due to their small size and high speeds, and residents in their homes are forced to deal with modified exhausts and large groups which produce excessive noise impacting the quality of life and causing disruptions.

Monroe County is home to a diverse and vibrant community of individuals who all deserve to have the highest quality of life provided to them and their safety protected. This issue is boundless, impacting residents of all types and from all communities. This legislation will provide law enforcement with the comprehensive tools they need and deserve to address this issue for the betterment of all.



**The specific legislative actions required are:**

1. Schedule and hold a public hearing.
2. Adopt the local law as attached.

The legislative action requested in this referral is not an "Action," as that term is defined in 6 NYCRR § 617.2(b) and is not subject to review under the State Environmental Quality Review Act.

This action would have no net impact on the current revenue and/or expenditures of the 2021 Monroe County budget.

Respectfully Submitted,



Vincent R. Felder  
Monroe County Legislature  
Democratic Minority Leader



Ernest Flagler-Mitchell  
Monroe County Legislature  
Black & Asian Caucus Leader

By Legislator Felder and Legislator Flagler-Mitchell

Intro No. \_\_\_\_\_

LOCAL LAW NO. \_\_\_\_\_ OF 2021

ENACT A LOCAL LAW ENTITLED "OPERATION OF OFF-ROAD VEHICLES ON PUBLIC HIGHWAYS IN MONROE COUNTY"

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

**Section 1. Title.** This local law shall be known as the law "Operation of Off-Road Vehicles on Public Highways in Monroe County."

**Section 2. Legislative Intent.** To create an additional Chapter of the General Locals Laws of Monroe County pertaining to the operation of off-road vehicles in Monroe County to be enacted as follows.

**Section 3. Definitions**

- A. **Off-Road Vehicle.** Includes All-Terrain Vehicles (ATVs) as defined in Section 2281(1) of the New York State Vehicle and Traffic Law, all off-highway motorcycles as defined by Section 125-a of the New York State Vehicle and Traffic law, and motocross or dirt bikes, dune buggies, go-carts, and any and all other types of motorized trail bikes or vehicles with a primary intention for off-road use but no including non-motorized bikes.
- B. **Operate.** To ride in or on, other than as a passenger, or use or control the operation of an off-road vehicles in any manner regardless of if said off-road vehicle is underway.
- C. **Public Highway.** Any highway, road, alley, street, avenue, public place, public driveway, or any other public way.

**Section 4. Unlawful Conduct and Hazardous Operation of Off-Road Vehicles.**

- A. Unless otherwise permitted by Article 48-c of the New York State Vehicle and Traffic Law or other applicable law, it shall be unlawful to operate an off-road vehicle on any public highway in Monroe County.
- B. No person shall operate an ATV or any vehicle on the roadways of the County of Monroe unless it is covered by liability insurance; nonetheless, said ATV, or any vehicle that is not street legal may be operated by authorize government officials, the Monroe County Sheriff's Office, the Rochester Police Department, the New York State Police, the Federal Bureau of Investigation or the Bureau of Alcohol, Tobacco, Firearms and Explosives, in furtherance of their official duties.

**Section 5. Operation of Off-Road Vehicles in County Parks.** Chapter 323 of the General Local Laws of Monroe County shall continue to govern the use of off-road vehicles in Monroe County parks.

**Section 6. Required Protective Gears:**

- A. Operators and passengers must wear a United States Department of Transportation (USDOT) approved helmet while riding an ATV.

**Section 7. Penalties:**

- A. In addition to any other applicable penalties permitted by law, a police officer or peace officer may immediately impound any off-road vehicle that has been operated in breach of the above sections.
- B. Any off-road vehicle impounded pursuant to this section shall be stored by the pertinent police department or enforcement agency pending identification of the owner.
  - 1. Proof of Ownership. Acceptable proof of ownership are:
    - a. For a new off-road vehicle – the Manufacturer’s Certificate or Statement of Origin (MCO or MSO), an out-of-state title certificate or registration certificate; or,
    - b. For a used off-road vehicle – a completed “Certification of Sale or Transfer” (MV-51) plus the MCO or MSO; or, a New York State transferable registration signed over to the current operator by the previous owner;
    - c. If an off-road vehicle has never been registered and current operator/owner do not have these acceptable documents, one must complete and submit a “Statement of Ownership” through the Department of Motor Vehicle (MV-51B).
      - 1. Law Enforcement shall record the Vehicle Identification Number (VIN) and provide the same to the alleged owner upon request
  - 2. Off-Road Vehicles Without Required Registration
    - a. If registration of off-road vehicle is not so required, other indicia of ownership may be utilized to identify the proper off-road vehicle owner.
- C. Such owner shall be sent notice of such impoundment by certified mail within five days after the impoundment.
- D. The law enforcement agency shall not be liable for any damages arising out of the provision of an erroneous name or address of such owner.
- E. The owner of the impounded off-road vehicle may redeem the same upon satisfactory proof of ownership and payment of a redemption fee of \$500 to the impounding police department if it is the first time such vehicle has been impounded pursuant to this Local Law, or \$2,000 if such vehicle has previously been impounded pursuant to this Local Law. Such impounded off-road vehicle may only be released to the owner of the off-road vehicle or to his or her agent as evidenced by a written, notarized agent agreement or duly executed power of attorney.
- F. At no time shall this Local Law apply to the operation of an off-road vehicle as an emergency vehicle by any authorized emergency, police or civil department.

**Section 8. Severability.** If any clause, sentence, paragraph, subdivision, section, or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgement shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgement shall be rendered.

**Section 9. Effective Date.** This local law shall take effect after filing with the Secretary of State pursuant to Section 27 of New York Municipal Home Rule Law and the Monroe County Charter.

Matter of Urgency  
File No. 21-\_\_\_\_.LL

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF LOCAL LAW: \_\_\_\_\_

By Legislators Flagler-Mitchell and Felder

Intro. No. \_\_\_\_\_

MOTION NO. \_\_\_\_\_ OF 2021

**PROVIDING THAT LOCAL LAW (INTRO. NO. 175 OF 2021), ENTITLED "OPERATION OF OFF-ROAD VEHICLES ON PUBLIC HIGHWAYS IN MONROE COUNTY," BE LIFTED FROM THE TABLE**

Be It Moved, that Local Law (Intro. No. 175 of 2021), entitled "Operation of Off-Road Vehicles on Public Highways in Monroe County" be lifted from the table.

File No. 21-0164.LL

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_



**ATTACHMENTS:**

	<b>Description</b>	<b>File Name</b>	<b>Type</b>
▢	<b>Referral</b>	<b>R21-0164.pdf</b>	<b>Referral Letter</b>
▢	<b>Resolution</b>	<b>ITEM_11.pdf</b>	<b>Resolution</b>



# Monroe County Legislature

**Vincent R. Felder**  
Democratic Minority Leader

**Ernest Flagler-Mitchell**  
Black & Asian Caucus Leader

April 27, 2021

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

<b>OFFICIAL FILE COPY</b>
No. <b>210164</b>
Not to be removed from the Office of the Legislature of Monroe County
Committee Assignment
<b>URGENT</b> -L

**Subject: Enact a Local Law Entitled, "Operation of Off-Road Vehicles on Public Highways in Monroe County"**

Honorable Legislators:

For over a year, our community has seen a steady increase in the use of All-Terrain Vehicles (ATVs) and other off-road vehicles across Monroe County. Constituents across the County have reported this increase first-hand; loud dirt bikes and ATVs, small, motorized bikes weaving in and out of traffic, and witness accounts of tragedies caused by the same. It is clear that action must be taken to protect both the safety and quality of life for residents.

The current laws do not provide the clarity to our law enforcement required to take the necessary actions against these unregistered, uninspected, unlawful and dangerous vehicles. The majority of these pertinent vehicles are not supposed to be or intended to be driven on roads used for vehicular traffic. This problem is only exacerbated by the common group usage of these vehicles which creates additional proximity hazards for vehicle users in the group and all those around them.

In the past year alone, the operation of such off-road vehicles has created a number of unnecessary tragedies, injuries, and even fatalities – even one is too many. The rampant unlawful usage of these vehicles continues to create a safety hazard and quality of life detriment for nearly all facets of our community. Lawful motorists and pedestrians are put at risk from unregistered off-road vehicles, often invisible due to their small size and high speeds, and residents in their homes are forced to deal with modified exhausts and large groups which produce excessive noise impacting the quality of life and causing disruptions.

Monroe County is home to a diverse and vibrant community of individuals who all deserve to have the highest quality of life provided to them and their safety protected. This issue is boundless, impacting residents of all types and from all communities. This legislation will provide law enforcement with the comprehensive tools they need and deserve to address this issue for the betterment of all.

**The specific legislative actions required are:**

1. Schedule and hold a public hearing.
2. Adopt the local law as attached.

The legislative action requested in this referral is not an "Action," as that term is defined in 6 NYCRR § 617.2(b) and is not subject to review under the State Environmental Quality Review Act.

This action would have no net impact on the current revenue and/or expenditures of the 2021 Monroe County budget.

Respectfully Submitted,



Vincent R. Felder  
Monroe County Legislature  
Democratic Minority Leader



Ernest Flagler-Mitchell  
Monroe County Legislature  
Black & Asian Caucus Leader



By Legislator Felder and Legislator Flagler-Mitchell

Intro No. \_\_\_\_\_

LOCAL LAW NO. \_\_\_\_\_ OF 2021

ENACT A LOCAL LAW ENTITLED "OPERATION OF OFF-ROAD VEHICLES ON PUBLIC HIGHWAYS IN MONROE COUNTY"

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

**Section 1. Title.** This local law shall be known as the law "Operation of Off-Road Vehicles on Public Highways in Monroe County."

**Section 2. Legislative Intent.** To create an additional Chapter of the General Locals Laws of Monroe County pertaining to the operation of off-road vehicles in Monroe County to be enacted as follows.

**Section 3. Definitions**

- A. **Off-Road Vehicle.** Includes All-Terrain Vehicles (ATVs) as defined in Section 2281(1) of the New York State Vehicle and Traffic Law, all off-highway motorcycles as defined by Section 125-a of the New York State Vehicle and Traffic law, and motocross or dirt bikes, dune buggies, go-carts, and any and all other types of motorized trail bikes or vehicles with a primary intention for off-road use but no including non-motorized bikes.
- B. **Operate.** To ride in or on, other than as a passenger, or use or control the operation of an off-road vehicles in any manner regardless of if said off-road vehicle is underway.
- C. **Public Highway.** Any highway, road, alley, street, avenue, public place, public driveway, or any other public way.

**Section 4. Unlawful Conduct and Hazardous Operation of Off-Road Vehicles.**

- A. Unless otherwise permitted by Article 48-c of the New York State Vehicle and Traffic Law or other applicable law, it shall be unlawful to operate an off-road vehicle on any public highway in Monroe County.
- B. No person shall operate an ATV or any vehicle on the roadways of the County of Monroe unless it is covered by liability insurance; nonetheless, said ATV, or any vehicle that is not street legal may be operated by authorize government officials, the Monroe County Sheriff's Office, the Rochester Police Department, the New York State Police, the Federal Bureau of Investigation or the Bureau of Alcohol, Tobacco, Firearms and Explosives, in furtherance of their official duties.

**Section 5. Operation of Off-Road Vehicles in County Parks.** Chapter 323 of the General Local Laws of Monroe County shall continue to govern the use of off-road vehicles in Monroe County parks.

**Section 6. Required Protective Gears:**

- A. Operators and passengers must wear a United States Department of Transportation (USDOT) approved helmet while riding an ATV.

**Section 7. Penalties:**

- A. In addition to any other applicable penalties permitted by law, a police officer or peace officer may immediately impound any off-road vehicle that has been operated in breach of the above sections.
- B. Any off-road vehicle impounded pursuant to this section shall be stored by the pertinent police department or enforcement agency pending identification of the owner.
  - 1. Proof of Ownership. Acceptable proof of ownership are:
    - a. For a new off-road vehicle – the Manufacturer’s Certificate or Statement of Origin (MCO or MSO), an out-of-state title certificate or registration certificate; or,
    - b. For a used off-road vehicle – a completed “Certification of Sale or Transfer” (MV-51) plus the MCO or MSO; or, a New York State transferable registration signed over to the current operator by the previous owner;
    - c. If an off-road vehicle has never been registered and current operator/owner do not have these acceptable documents, one must complete and submit a “Statement of Ownership” through the Department of Motor Vehicle (MV-51B).
      - 1. Law Enforcement shall record the Vehicle Identification Number (VIN) and provide the same to the alleged owner upon request
  - 2. Off-Road Vehicles Without Required Registration
    - a. If registration of off-road vehicle is not so required, other indicia of ownership may be utilized to identify the proper off-road vehicle owner.
- C. Such owner shall be sent notice of such impoundment by certified mail within five days after the impoundment.
- D. The law enforcement agency shall not be liable for any damages arising out of the provision of an erroneous name or address of such owner.
- E. The owner of the impounded off-road vehicle may redeem the same upon satisfactory proof of ownership and payment of a redemption fee of \$500 to the impounding police department if it is the first time such vehicle has been impounded pursuant to this Local Law, or \$2,000 if such vehicle has previously been impounded pursuant to this Local Law. Such impounded off-road vehicle may only be released to the owner of the off-road vehicle or to his or her agent as evidenced by a written, notarized agent agreement or duly executed power of attorney.
- F. At no time shall this Local Law apply to the operation of an off-road vehicle as an emergency vehicle by any authorized emergency, police or civil department.

**Section 8. Severability.** If any clause, sentence, paragraph, subdivision, section, or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgement shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgement shall be rendered.

**Section 9. Effective Date.** This local law shall take effect after filing with the Secretary of State pursuant to Section 27 of New York Municipal Home Rule Law and the Monroe County Charter.

Matter of Urgency  
File No. 21-\_\_\_\_.LL

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF LOCAL LAW: \_\_\_\_\_

By Legislator Brew and DiFlorio

Intro No. \_\_\_\_\_

MOTION NO. \_\_\_\_\_ OF 2021

**PROVIDING THAT LOCAL LAW (INTRO. NO. 175 OF 2021, ENTITLED, "OPERATION OF OFF-ROAD VEHICLES ON PUBLIC HIGHWAYS IN MONROE COUNTY," BE AMENDED**

BE IT MOVED, that Local Law (Intro. No. 175 of 2021), entitled "OPERATION OF OFF-ROAD VEHICLES ON PUBLIC HIGHWAYS IN MONROE COUNTY," be amended as follows:

Section 1. Part IV, General Local Laws of the Administrative Code and Charter of Monroe County, is hereby amended to add a new chapter to include the following Local Law:

**CHAPTER 314, OPERATION OF OFF-ROAD VEHICLES ON PUBLIC HIGHWAYS IN MONROE COUNTY**

~~Section 1. § 314-1~~ **Title.** This ~~local law chapter~~ shall be known as the law "Operation of Off-Road Vehicles on Public Highways in Monroe County."

~~Section 2. § 314-2~~ **Legislative Intent.** ~~To create an additional Chapter of the General Local Laws of Monroe County pertaining to the operation of off-road vehicles in Monroe County to be enacted as follows. The Legislature hereby finds that:~~

- A. The use of off-road vehicles on public highways are a threat to the safety of pedestrians, motorists, and bicyclists.
- B. Law enforcement has requested assistance from the Legislature, in the form of a local law, giving law enforcement the power to impound illegally operated off-road vehicles.
- C. Many off-road vehicle operators and passengers are not equipped with proper protective gear.
- D. The health, safety and well-being of the citizens of Monroe County is furthered by curtailing the illegal and unsafe use of off-road vehicles on public highways.

~~Section 3. § 314-3~~ **Definitions**

- A. Off-Road Vehicle. Includes All-Terrain Vehicles (ATVs) as defined in Section 2281(1) of the New York State Vehicle and Traffic Law, all off-highway motorcycles as defined by Section 125-a of the New York State Vehicle and Traffic ~~Law~~, and motocross or dirt bikes, dune buggies, go-carts, and any and all other types of motorized trail bikes or vehicles with a primary intention for off-road use but ~~not~~ including non-motorized bikes.
- B. Operate. To ride in or on, other than as a passenger, or use or control the operation of an off-road vehicles in any manner regardless of if said off-road vehicle is underway.
- C. Public Highway. Any highway, road, alley, street, avenue, public place, public driveway, or any other public way.

~~Section 4. § 314-4~~ **Unlawful Conduct and Hazardous Operation of Off-Road Vehicles.**

- A. Unless otherwise permitted by Article 48-c of the New York State Vehicle and Traffic Law or other applicable law, it shall be unlawful to operate an off-road vehicle on any public highway in Monroe County.
- B. No person shall operate an ATV or any vehicle on the roadways of the County of Monroe unless it is covered by liability insurance; nonetheless, said ATV, or any vehicle that is not street legal may be operated by authorized government officials, the Monroe County Sheriff's Office, the Rochester Police Department, the New York State Police, the Federal Bureau of Investigation or the Bureau of Alcohol, Tobacco, Firearms and Explosives, in furtherance of their official duties.

**Section 5: § 314-5 Operation of Off-Road Vehicles in County Parks.** Chapter 323 of the General Local Laws of Monroe County shall continue to govern the use of off-road vehicles in Monroe County parks.

**Section 6: § 314-6 Required Protective Gears:**

- A. Operators and passengers must wear a United States Department of Transportation (USDOT) approved helmet while riding an ATV.

**Section 7: § 314-7 Penalties:**

- A. In addition to any other applicable penalties permitted by law, a police officer or peace officer may immediately impound any off-road vehicle that has been operated in breach of ~~the above sections~~ § 314-4 or § 314-6.
- B. Any off-road vehicle impounded pursuant to this section shall be stored by the pertinent police department or enforcement agency pending identification of the owner.
  - 1. Proof of Ownership. Acceptable proof of ownership are:
    - a. For a new off-road vehicle – the Manufacturer's Certificate or Statement of Origin (MCO or MSO), an out-of-state title certificate or registration certificate; or,
    - b. For a used off-road vehicle – a completed "Certification of Sale or Transfer" (MV-51) plus the MCO or MSO; or, a New York State transferable registration signed over to the current operator by the previous owner;
    - c. If an off-road vehicle has never been registered and current operator/owner do not have these acceptable documents, one must complete and submit a "Statement of Ownership" through the Department of Motor Vehicle (MV-51B).
      - 1. Law Enforcement shall record the Vehicle Identification Number (VIN) and provide the same to the alleged owner upon request.
  - 2. Off-Road Vehicles Without Required Registration
    - a. If registration of off-road vehicle is not so required, other indicia of ownership may be utilized to identify the proper off-road vehicle owner.
- C. Such owner shall be sent notice of such impoundment by certified mail within five days after the impoundment.
- D. The law enforcement agency shall not be liable for any damages arising out of the provision of an erroneous name or address of such owner.

- E. The owner of the impounded off-road vehicle may redeem the same upon satisfactory proof of ownership and payment of a redemption fee of \$500 to the impounding police department if it is the first time such vehicle has been impounded pursuant to this Local Law, or \$2,000 if such vehicle has previously been impounded pursuant to this Local Law. Such impounded off-road vehicle may only be released to the owner of the off-road vehicle or to his or her agent as evidenced by a written, notarized agent agreement or duly executed power of attorney.
- F. At no time shall this Local Law apply to the operation of an off-road vehicle as an emergency vehicle by any authorized emergency, police or civil department.

~~Section 8. § 314-8~~ **Severability.** If any clause, sentence, paragraph, subdivision, section, or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgement shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgement shall be rendered.

Section 9 ~~2.~~ **Effective Date.** This local law shall take effect after filing with the Secretary of State pursuant to Section 27 of New York Municipal Home Rule Law and the Monroe County Charter.

Added language by this motion is underlined  
 Deleted language by this motion is ~~stricken~~

Matter of Urgency  
 File No. 21-0164.LL

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_



**ATTACHMENTS:**

	<b>Description</b>	<b>File Name</b>	<b>Type</b>
▢	<b>Referral</b>	<b>R20-0340.pdf</b>	<b>Referral Letter</b>
▢	<b>Resolution</b>	<b>ITEM_12.pdf</b>	<b>Resolution</b>



# Monroe County Legislature

## Black and Asian Democratic Caucus

Calvin Lee, Jr  
LEGISLATOR – District 25

Sabrina LaMar  
LEGISLATOR – District 27

Frank Keophtlasy  
LEGISLATOR – District 28

Ernest Flagler-Mitchell  
LEGISLATOR – District 29

October 26, 2020

To the Honorable  
Monroe County Legislature  
39 West Main Street  
Rochester, NY 14614

LEGISLATOR – District 29
<b>OFFICIAL FILE COPY</b>
No. <u>200340</u>
Not to be removed from the Office of the Legislature Of Monroe County
Committee Assignment
<b>AGENDA/CHARTER -L</b>

**RE: Enact a Local Law Entitled “Gantt’s Law for Utilization of Minority and Women-Owned Businesses”**

Honorable Legislators:

Over the years, minority and women-owned business enterprises have struggled to achieve equitable representation in County procurement. Although Monroe County has made good-faith efforts to hold itself to the state and federal guidelines for minority and women-owned business enterprises, there seems to be a lack of follow-through, especially in the area of professional service contracts.

In 2020 alone, this Honorable Body has undertaken several legislative initiatives to expand and promote diversity in County government, including the Diversity Action Plan, which seeks to encourage diverse representation in all County Departments. However, achieving diversity in the County’s workforce is only one part of diversifying County operations. With an over \$1 billion dollar budget, Monroe County must also achieve diversity in the money it spend on contracts.

Monroe County must facilitate the elimination of discrimination and racism while providing opportunities to minority and women-owned business enterprises. Monroe County needs to be the leader in the community by taking an active approach to promote opportunities for minority and women-owned business enterprises to bid on County projects and participate in procurement. The County Executive must actively be working with the Chief Diversity Officer, Division of Purchasing and Central Services, and newly created Diversity Action Plan Advisory Committee to ensure that these opportunities are being presented, and that the County is promoting inclusivity in all facets.

Therefore, in the interest of promoting diversity in Monroe County government, we recommend that this Honorable Body enact a Local Law entitled “Gantt’s Law for Utilization of Minority and Women-Owned Businesses.” The purpose of this Local Law is to establish clear guidelines for what constitutes a minority and women-owned business enterprise, create a directory of minority and women-owned business enterprises for use by the County and contractors, expand the use of minority and women-owned business enterprises in all areas of County procurement, institute reporting guidelines, conduct training for minority and women-owned business enterprises, and set new goals for the use of minority and women-owned business enterprises in County procurement.



Much of the language used in this proposed local law was adapted from best practices already established by the State of New York, Suffolk County, and Erie County.

**The specific legislative actions required are:**

1. Schedule and hold a public hearing on the proposed local law.
2. Enact a Local Law entitled "Gantt's Law for Utilization of Minority and Women-Owned Businesses."

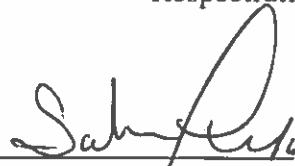
This is a Type II Action pursuant to 6 NYCRR 617.5(c) and is not subject to review under the State Environmental Quality Review Act.

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

Respectfully Submitted,



Calvin Lee, Jr  
County Legislator  
District 25 - Rochester



Sabrina LaMar  
County Legislator  
District 27 - Rochester



Frank Keophewasy  
County Legislator  
District 28 - Rochester



Ernest Flagler-Mitchell  
County Legislator  
District 29 - Rochester

By Legislators \_\_\_\_\_ and \_\_\_\_\_

Intro No. \_\_\_\_\_

LOCAL LAW NO. \_\_\_\_ OF 2020

**ENACT A LOCAL LAW ENTITLED “GANTT’S LAW FOR UTILIZATION OF MINORITY AND WOMEN-OWNED BUSINESSES”**

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. Resolutions 240 of 2014 and 69 of 1989 are hereby rescinded.

Section 2. Part III, Administrative Local Laws of the Administrative Code and Charter of Monroe County, is hereby amended to add a new chapter to include the following Local Law:

**CHAPTER 26, UTILIZATION OF MINORITY AND WOMEN-OWNED BUSINESSES**

**§ 26-1. Title.**

This chapter shall be known as the “Gantt’s Law.”

**§ 26-2. Legislative Intent.**

- A. This Legislature hereby finds and determines that a need exists within the County of Monroe to recognize and encourage the growth of business enterprises that are owned and operated by women and minorities.
- B. This Legislature also finds business enterprises that are owned and operated by women and minorities have struggled to achieve equitable representation in procurement by the County of Monroe.
- C. This Legislature also finds that previous policies enacted by the County of Monroe regarding business enterprises that are owned and operated by women and minorities only pertained to construction activities.
- D. This Legislature also finds that the County's economy will benefit from the utilization by the County of business enterprises that are owned and operated by women and minorities.
- E. This Legislature further finds that both the state and federal governments have instituted programs that facilitate participation in government contracts by business enterprises that are owned and operated by women and minorities.
- F. Therefore, the purpose of this article is to ensure that minority- and women-owned business enterprises have sufficient opportunity to participate both directly and indirectly in contracting opportunities with Monroe County.

§ 26-3. **Purpose.**

The purpose of this section is to promote and encourage the utilization of minority and women-owned business enterprises in procurement by the County of Monroe and establish clear guidelines for what constitutes a minority and women-owned business enterprise, create a directory of minority and women-owned business enterprises, expand the use of minority and women-owned business enterprises in all areas of County procurement, institute reporting guidelines, conduct training for minority and women-owned business enterprises, and set new goals for the use of minority and women-owned business enterprises in County procurement.

§ 26-4. **Definitions.** As used in this section:

A. **Certified Business** – shall mean a business verified as a minority and women-owned business enterprise pursuant to § 26-5 of this article.

B. **Committee** – shall mean the Diversity Action Plan Advisory Committee established in accordance with Resolution 212 of 2020.

C. **Contractor** – shall mean an individual, a business enterprise, including a sole proprietorship, a partnership, a corporation, a not-for-profit corporation, or any other party to a County contract, or a bidder in conjunction with the award of a County contract or a proposed party to a County contract.

D. **County** – shall mean any County department; or any agency, division, board, office, elected official, commission or bureau of the County or of any County department.

E. **County Contract** – shall mean:

1. a written agreement or purchase order instrument, providing for a total expenditure in excess of fifteen thousand dollars, whereby the County is committed to expend or does expend funds in return for labor, services, supplies, equipment, materials or any combination of the foregoing, to be performed for, or rendered or furnished to the County;
2. a written agreement in excess of sixty thousand dollars whereby the County is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon.

For the purposes of this section, the term "services" shall not include banking relationships, the issuance of insurance policies or contracts, or contracts with the County for the sale of bonds, notes or other securities.

F. **Director** – shall mean the Director of Diversity, Equity and Inclusion – Chief Diversity Officer.

G. **Minority Group Members** – shall mean a United States citizen or permanent resident alien who has and can demonstrate membership in one of the following groups:

- a. Black persons having origins in any of the Black African racial groups;
- b. Hispanic persons of Mexican, Puerto Rican, Dominican, Cuban, Central or South American Descent of either Indian or Hispanic origin, regardless of race;
- c. Native American or Alaskan native persons having origins in any of the original peoples of North America;

- d. Asian and Pacific Islander persons having origins in any of the Far East countries, South East Asia, the Indian subcontinent or the Pacific Islands.

H. Minority-Owned Business Enterprise – shall mean a business enterprise, including a sole proprietorship, partnership or corporation that is:

1. at least fifty-one percent owned by one or more minority group members;
2. an enterprise in which such minority ownership is real, substantial and continuing;
3. an enterprise in which such minority ownership has and exercises the authority to control independently the day-to-day business decisions of the enterprise; and
4. an enterprise authorized to do business in the State of New York state and independently owned and operated.

I. Office – shall mean the Monroe County Department of Diversity, Equity and Inclusion.

J. Subcontract - shall mean an agreement providing for a total expenditure in excess of fifteen thousand dollars for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon between a contractor and any individual or business enterprise, including a sole proprietorship, partnership, corporation, or not-for-profit corporation, in which a portion of a contractor's obligation under a County contract is undertaken or assumed, but shall not include any construction, demolition, replacement, major repair, renovation, planning or design of real property or improvements thereon for the beneficial use of the contractor.

K. Utilization Plan - shall mean a plan prepared by a contractor and submitted in connection with a proposed County contract. The utilization plan shall identify certified minority and women-owned business enterprises, if known, that have committed to perform work in connection with the proposed County contract as well as any such enterprises, if known, which the contractor intends to use in connection with the contractor's performance of the proposed County contract. The plan shall specifically contain a list, including the name, address and telephone number, of each certified enterprise with which the contractor intends to subcontract.

L. Women-Owned Business Enterprise – shall mean a business enterprise, including a sole Proprietorship, partnership or corporation that is:

1. at least fifty-one percent owned by one or more United States citizens or permanent resident aliens who are women;
2. an enterprise in which the ownership interest of such women is real, substantial and continuing;
3. an enterprise in which such women ownership has and exercises the authority to control independently the day-to-day business decisions of the enterprise; and
4. an enterprise authorized to do business in the State of New York state and independently owned and operated.

**§ 26-5. Certification.**

A. The Director, in conjunction with the Committee, shall promulgate rules and regulations providing for the establishment of a Countywide certification program, including rules and regulations governing the approval, denial or revocation of any such certification. Such rules and regulations shall include, but not be limited to, such matters as may be required to ensure that the established procedures thereunder shall at least be in compliance with the code of fair procedure set forth in § 73 of the New York Civil Rights Law. The Director shall accept all businesses having or awaiting certification by a state agency.

B. For the purposes of this article, the Office shall be responsible for verifying businesses as being owned, operated, and controlled by minority group members or women and for certifying such verified businesses or may refer such process to an appropriate state agency. The Director shall prepare a directory of certified businesses for use by the County and contractors in carrying out the provisions of this article. The Director shall periodically update the directory and make it publically available on the County's website.

C. Following application for certification pursuant to this section, the Director shall provide the applicant with written notice of the status of the application, including notice of any outstanding deficiencies, within 30 days. Within 60 days of submission of a final completed application, the Director shall provide the applicant with written notice of a determination by the Office approving or denying such certification and, in the event of a denial, a statement setting forth the reasons for such denial. Upon a determination denying or revoking certification, the business enterprise for which certification has been so denied or revoked shall, upon written request made within 30 days from receipt of notice of such determination, be entitled to a hearing before the Committee. In the event that a request for a hearing is not made within such thirty-day period, such determination shall be deemed to be final. The Committee shall conduct a hearing and, upon the conclusion of such hearing, issue a written recommendation to the Director to affirm, reverse or modify such determination of the Director. Such written recommendation shall be issued to the applicant and the Director. The Director, within 30 days, shall, by order, accept, reject or modify such recommendation of the Committee and set forth in writing the reasons therefor. The Director shall serve a copy of such order and reasons therefor upon the business enterprise by personal service or by certified mail, return receipt requested.

**§ 26-6. Annual Workshop**

The Office shall hold an annual workshop for potential minority and women-owned business enterprise applicants and certified businesses, for the purpose of educating and informing participants about the County's procurement processes and reviewing upcoming procurement opportunities including, but not limited to the Capital Improvement Plan. The workshop shall include all relevant information to allow potential bidders to understand, navigate, and compete in the County's procurement process.

**§ 26-7. Goals**

The County hereby sets the following goals for insuring the full and equitable participation minority and women-owned business enterprises:

A. the County shall have a level of participation goal of twelve (12) percent for minority-owned business enterprises of the total value of County contracts in a given year;

B. the County shall have a level of participation goal of three (3) percent for women-owned business enterprises of the total value of County contracts in a given year; and

C. the above stated goals shall coincide with the County's good faith efforts to utilize local labor and create local jobs through County contracts.

**§ 26-8. Equal Employment Opportunities for Minority Group Members and Women.**

A. All County contracts and all documents soliciting bids or proposals for County contracts shall contain or make reference to the following provisions:

1. the contractor shall not discriminate against employees or applicants for employment because of race, creed, color, national origin, sex, age, disability, sexual orientation, military status, or marital status, and will undertake or continue taking steps to ensure that minority group members and women are afforded equal employment opportunities without discrimination. For purposes of this article, such steps shall include recruitment, employment, job assignments, promotion, upgrading, demotion, transfer, layoff, or termination and rates of pay or other forms of compensation;
2. at the request of the County, the contractor shall request each employment agency, labor union, or authorized representative of workers with which it has a collective bargaining or other agreement or understanding to furnish a written statement that such employment agency, labor union, or representative will not discriminate on the basis of race, creed, color, national origin, sex, age, disability, sexual orientation, military status, or marital status and that such union or representative will affirmatively cooperate in the implementation of the contractor's obligations herein; and
3. the contractor shall state, in all solicitations or advertisements for employees, that, in the performance of the County contract, all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability, sexual orientation, military status, or marital status.

B. The contractor shall include the provisions of Subsection A of this section in every subcontract in such a manner that the provisions will be binding upon each subcontractor as to all work done in connection with the County contract.

C. The provisions of this section shall not be binding upon contractors or subcontractors in the performance of work or the provision of services or any other activities that are unrelated, separate, or distinct from the County contract as expressed by its terms.

D. In the implementation of this section, the County shall consider compliance by a contractor or subcontractor with the requirements of any federal and state law concerning equal employment opportunity, which effectuates the purposes of this section. The County shall determine whether the imposition of the requirements of the provisions hereof duplicate or conflict with any such law, and if such duplication or conflict exists, the County shall waive the applicability of this section to the extent of such duplication or conflict.

**§ 26-9. Requirements**

A. The Director, in conjunction with the Committee, shall promulgate rules and regulations that provide measures and procedures to ensure that certified businesses shall be given the opportunity for meaningful participation in the performance of County contracts. Such rules shall require the County to identify those County contracts for which certified businesses are most likely to be available and may set forth additional requirements for outreach to minority businesses particularly with regard to such contracts. Nothing in the provisions of this article shall be construed to limit the ability of any certified business to bid on any contract.

B. The County shall include or require to be included with respect to County contracts for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon, requests for proposals (RFPs), and any other applicable County contracts, such provisions as may be necessary to effectuate the provisions of this article, including but not limited to provisions:

1. requiring contractors to use best efforts to solicit active participation by enterprises identified in the directory of certified businesses provided to the County by the Office; and
2. requiring the parties to agree, as a condition of entering into such contract, to be bound by the provisions of § 26-8 of this article; provided, however, that no such provisions shall be binding upon contractors or in the performance of work or the provision of services that are unrelated, separate or distinct from the County contract as expressed by its terms, and nothing in this section shall authorize the Director or any contracting agency to impose any requirement on a contractor except with respect to a County contract.

C. All requests for proposals, requests for qualifications, and expressions of interest issued by the County shall include approach to minority and women-owned business enterprise utilization in the selection criteria, and shall state that minority and women-owned business enterprise utilization will be used as selection criteria and rated in compliance with the Monroe County Department of Finance - Division of Purchasing and Central Service's Procedure for Service Contracts.

D. In the implementation of this section, the County shall consider compliance with the requirements of any federal or state law concerning opportunities for minority and women-owned business enterprises which effectuate the purpose of this section. The County shall determine whether the imposition of the requirements of any such law duplicate or conflict with the provisions hereof, and if such duplication or conflict exists, the County may waive the applicability of this article to the extent of such duplication or conflict.

#### § 26-10. Rules for Utilization of Subcontractors.

A. The Director, in conjunction with the Committee, shall promulgate rules and regulations requiring that all contractors use best efforts to achieve participation in subcontracting by minority and women-owned business enterprises in accordance with goals set by § 26-7 to enhance opportunity for minority and women-owned businesses to reflect the percentage of minority and women-owned businesses available to perform such work.

B. The County shall administer the rules and regulations promulgated by the Director, in conjunction with the Committee, to ensure compliance with the provisions of this section.

1. Such rules and regulations shall require that:
  - a. a contractor submit a utilization plan after bids are opened, when bids are required, or in a contractor's response to an RFP;
  - b. in all cases, prior to the award of a County contract, the County shall review the utilization plan submitted by the contractor within a reasonable period of time, as established by the Director;
  - c. the County notify the contractor in writing within a period of time specified by the Director as to any deficiencies contained in the contractor's utilization plan, as well as the permissible time period within which to cure such deficiencies;
  - d. the contractor submit periodic compliance reports relating to the operation and implementation of any utilization plan; and

- e. the County file a complaint with the Director, or the Committee, in the event a contractor is failing or has failed to comply with the minority- and women-owned business enterprise participation requirements set forth in the County contract and no waiver has been granted pursuant to Subsections E and F of this section.

2. Such rules and regulations shall allow a contractor to:

- a. apply for a partial or total waiver of the minority and women-owned business enterprise participation requirements pursuant to Subsections E and F of this section.
- b. file a complaint with the Director, or the Committee, in the event the County has failed or refused to issue a waiver of the minority and women owned business enterprise participation requirements or has denied such request for a waiver.

C. The rules and regulations promulgated pursuant to this section regarding a utilization plan shall provide that where enterprises have been identified within a utilization plan, a contractor shall use best efforts to utilize such enterprise at least to the extent indicated. The County may require a contractor to indicate, within a utilization plan, what measures and procedures he or she intends to take to comply with the provisions of this article, but may not require, as a condition of award of or compliance with a contract, that a contractor utilize a particular enterprise in performance of the contract.

D. Without limiting other grounds for the disqualification of bids or proposals on the basis of nonresponsibility, the County may disqualify the bid or proposal of a contractor as being nonresponsible for failure to remedy noted deficiencies in the contractor's utilization plan within a period of time specified in regulations promulgated by the Director, in conjunction with the Committee, after receiving notification of such deficiencies from the County. Where failure to remedy any noted deficiency in the utilization plan is a ground for disqualification, that issue and all other grounds for disqualification shall be stated in writing by the County. Where the County states that a failure to remedy any noted deficiency in the utilization plan is a ground for disqualification, the contractor shall be entitled to an administrative hearing, on a record, involving all grounds stated by the County. Such hearing shall be conducted by the appropriate authority of the County to review the determination of disqualification. A final administrative determination made following such hearing shall be reviewable in accordance with law.

E. Where it appears that a contractor, after making its best efforts, cannot comply with the minority and women-owned business enterprise participation requirements set forth in a particular County contract, a contractor may file a written application with the County requesting a partial or total waiver of such requirements setting forth the reasons for the contractor's inability to meet any or all of the participation requirements and an explanation of the efforts undertaken, by the contractor to obtain the required minority and women-owned business enterprise participation. In implementing the provisions of this section, the County shall consider the number and types of minority and women-owned business located in the County, the total dollar value of the County contract, the scope of work to be performed and the project size and term. Based on such considerations, if the County determines there is not a reasonable availability of contractors on the list of certified businesses to furnish services for the project, it shall issue a waiver of compliance to the contractor. In making such determination, the County shall first consider the availability of other business enterprises located in the County and shall thereafter consider the financial ability of certified businesses located in the County to perform the County contract.

F. For purposes of determining if a contractor has used best efforts to comply with the requirements of this section or is entitled to a waiver, the County shall consider:

1. Whether the contractor has advertised in general circulation media, trade association, and minority-focus, women-focus, and in such event:



- a. whether or not certified businesses which have been solicited by the contractor exhibited interest in submitting proposals for a particular project by attending a pre-bid conference; and
  - b. whether certified businesses which have been solicited by the contractor have responded in a timely fashion to the contractor's solicitations for timely competitive bid quotations prior to the County's bid date; and
2. Whether there has been written notification to appropriate certified businesses that appear in the directory of certified businesses prepared pursuant to § 26-5 of this article; and
  3. Whether the contractor can reasonably structure the amount of work to be performed under subcontracts in order to increase the likelihood of participation by certified businesses.

G. In the event that the County fails or refuses to issue a requested waiver to a contractor within 30 days of the application therefor pursuant to Subsection E of this section, or if the County denies such application in whole or in part, the contractor may file a complaint with the Director, or the Committee, setting forth the facts and circumstances giving rise to the contractor's complaint together with a demand for relief. The contractor shall serve a copy of such complaint upon the County by personal service or by certified mail, return receipt requested. The County shall be afforded an opportunity to respond to such in writing.

H. If, after the review of a contractor's utilization plan or review of a periodic compliance report and after such contractor has been afforded an opportunity to respond to a notice of deficiency issued by the County in connection therewith, it appears that a contractor is failing or refusing to comply with minority and women-owned business enterprise participation requirements as set forth in the County contract and where no waiver from such requirements has been granted, the County may file a written complaint with the Director, or the Committee, setting forth the facts and circumstances giving rise to the County's complaint together with a demand for relief. The County shall serve a copy of such complaint upon the contractor by personal service or by certified mail, return receipt requested. The contractor shall be afforded an opportunity to respond to such complaint in writing

#### **§ 26-11. Enforcement**

Upon receipt of a complaint by that a contractor has violated the provisions of a County contract, which have been included to comply with the provisions of this article, the Director, in conjunction with the Committee, shall attempt to resolve the matter giving rise to such complaint within 30 days of receipt of the complaint. If efforts to resolve such matter to the satisfaction of all parties are unsuccessful, the matter shall be immediately referred to the Department of Law for appropriate action, including, but not limited to, withholding payment due under the contract, or cancellation, termination or suspension of the contract in whole or in part.

#### **§ 26-12. Report**

The County Executive, or their designee, shall file a report with the County Legislature no later than April 1st of each year, which details the levels of participation for minority and women-owned business enterprise businesses in County contracts for the prior year. The report shall include the name of each project funded, the total dollars spent for the project, and total dollars spent with minority and women-owned businesses, respectively.

§ 26-13. Severability.

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

Section 3. This local law shall take effect sixty-days after filing with the Secretary of State pursuant to Section 27 of the New York State Municipal Home Rule Law.

\_\_\_\_\_ Committee; \_\_\_\_\_ - CV: \_\_\_\_\_

\_\_\_\_\_ Committee; \_\_\_\_\_ - CV: \_\_\_\_\_

File No. 20-\_\_\_\_.LL

ADOPTION: Date: \_\_\_\_\_

Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF LOCAL LAW: \_\_\_\_\_

12

By Legislators Flagler-Mitchell and Felder

Intro. No. \_\_\_\_

MOTION NO. \_\_\_\_ OF 2021

**PROVIDING THAT FILE NO. 20-0340 BE DISCHARGED FROM COMMITTEE**

Be It Moved, that File No. 20-0340 entitled "Enact a Local Law Entitled "Gantt's Law for Utilization of Minority and Women-Owned Businesses" be, and hereby is discharged from the Agenda/Charter Committee.

ADOPTED: Date: \_\_\_\_\_ Vote: \_\_\_\_\_



**ATTACHMENTS:**

	<b>Description</b>	<b>File Name</b>	<b>Type</b>
▢	<b>Referral</b>	<b>R20-0340.pdf</b>	<b>Referral Letter</b>
▢	<b>Resolution</b>	<b>ITEM_13.pdf</b>	<b>Resolution</b>



# Monroe County Legislature

## Black and Asian Democratic Caucus

Calvin Lee, Jr  
LEGISLATOR – District 25

Sabrina LaMar  
LEGISLATOR – District 27

Frank Keophetlasy  
LEGISLATOR – District 28

Ernest Flagler-Mitchell

LEGISLATOR – District 29
<b>OFFICIAL FILE COPY</b>
No. <u>200340</u>
Not to be removed from the Office of the Legislature Of Monroe County
Committee Assignment
<b>AGENDA/CHARTER -L</b>

October 26, 2020

To the Honorable  
Monroe County Legislature  
39 West Main Street  
Rochester, NY 14614

**RE: Enact a Local Law Entitled “Gantt’s Law for Utilization of Minority and Women-Owned Businesses”**

Honorable Legislators:

Over the years, minority and women-owned business enterprises have struggled to achieve equitable representation in County procurement. Although Monroe County has made good-faith efforts to hold itself to the state and federal guidelines for minority and women-owned business enterprises, there seems to be a lack of follow-through, especially in the area of professional service contracts.

In 2020 alone, this Honorable Body has undertaken several legislative initiatives to expand and promote diversity in County government, including the Diversity Action Plan, which seeks to encourage diverse representation in all County Departments. However, achieving diversity in the County’s workforce is only one part of diversifying County operations. With an over \$1 billion dollar budget, Monroe County must also achieve diversity in the money it spend on contracts.

Monroe County must facilitate the elimination of discrimination and racism while providing opportunities to minority and women-owned business enterprises. Monroe County needs to be the leader in the community by taking an active approach to promote opportunities for minority and women-owned business enterprises to bid on County projects and participate in procurement. The County Executive must actively be working with the Chief Diversity Officer, Division of Purchasing and Central Services, and newly created Diversity Action Plan Advisory Committee to ensure that these opportunities are being presented, and that the County is promoting inclusivity in all facets.

Therefore, in the interest of promoting diversity in Monroe County government, we recommend that this Honorable Body enact a Local Law entitled “Gantt’s Law for Utilization of Minority and Women-Owned Businesses.” The purpose of this Local Law is to establish clear guidelines for what constitutes a minority and women-owned business enterprise, create a directory of minority and women-owned business enterprises for use by the County and contractors, expand the use of minority and women-owned business enterprises in all areas of County procurement, institute reporting guidelines, conduct training for minority and women-owned business enterprises, and set new goals for the use of minority and women-owned business enterprises in County procurement.

Much of the language used in this proposed local law was adapted from best practices already established by the State of New York, Suffolk County, and Erie County.

**The specific legislative actions required are:**

1. Schedule and hold a public hearing on the proposed local law.
2. Enact a Local Law entitled “Gantt’s Law for Utilization of Minority and Women-Owned Businesses.”

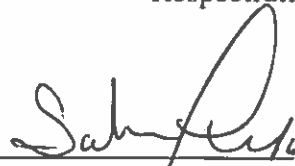
This is a Type II Action pursuant to 6 NYCRR 617.5(c) and is not subject to review under the State Environmental Quality Review Act.

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

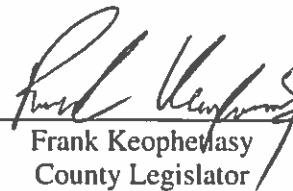
Respectfully Submitted,



Calvin Lee, Jr  
County Legislator  
District 25 - Rochester



Sabrina LaMar  
County Legislator  
District 27 - Rochester



Frank Keophewasy  
County Legislator  
District 28 - Rochester



Ernest Flagler-Mitchell  
County Legislator  
District 29 - Rochester

By Legislators \_\_\_\_\_ and \_\_\_\_\_

Intro No. \_\_\_\_\_

LOCAL LAW NO. \_\_\_\_ OF 2020

**ENACT A LOCAL LAW ENTITLED “GANTT’S LAW FOR UTILIZATION OF MINORITY AND WOMEN-OWNED BUSINESSES”**

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. Resolutions 240 of 2014 and 69 of 1989 are hereby rescinded.

Section 2. Part III, Administrative Local Laws of the Administrative Code and Charter of Monroe County, is hereby amended to add a new chapter to include the following Local Law:

**CHAPTER 26, UTILIZATION OF MINORITY AND WOMEN-OWNED BUSINESSES**

**§ 26-1. Title.**

This chapter shall be known as the “Gantt’s Law.”

**§ 26-2. Legislative Intent.**

- A. This Legislature hereby finds and determines that a need exists within the County of Monroe to recognize and encourage the growth of business enterprises that are owned and operated by women and minorities.
- B. This Legislature also finds business enterprises that are owned and operated by women and minorities have struggled to achieve equitable representation in procurement by the County of Monroe.
- C. This Legislature also finds that previous policies enacted by the County of Monroe regarding business enterprises that are owned and operated by women and minorities only pertained to construction activities.
- D. This Legislature also finds that the County's economy will benefit from the utilization by the County of business enterprises that are owned and operated by women and minorities.
- E. This Legislature further finds that both the state and federal governments have instituted programs that facilitate participation in government contracts by business enterprises that are owned and operated by women and minorities.
- F. Therefore, the purpose of this article is to ensure that minority- and women-owned business enterprises have sufficient opportunity to participate both directly and indirectly in contracting opportunities with Monroe County.

§ 26-3. **Purpose.**

The purpose of this section is to promote and encourage the utilization of minority and women-owned business enterprises in procurement by the County of Monroe and establish clear guidelines for what constitutes a minority and women-owned business enterprise, create a directory of minority and women-owned business enterprises, expand the use of minority and women-owned business enterprises in all areas of County procurement, institute reporting guidelines, conduct training for minority and women-owned business enterprises, and set new goals for the use of minority and women-owned business enterprises in County procurement.

§ 26-4. **Definitions.** As used in this section:

A. **Certified Business** – shall mean a business verified as a minority and women-owned business enterprise pursuant to § 26-5 of this article.

B. **Committee** – shall mean the Diversity Action Plan Advisory Committee established in accordance with Resolution 212 of 2020.

C. **Contractor** – shall mean an individual, a business enterprise, including a sole proprietorship, a partnership, a corporation, a not-for-profit corporation, or any other party to a County contract, or a bidder in conjunction with the award of a County contract or a proposed party to a County contract.

D. **County** – shall mean any County department; or any agency, division, board, office, elected official, commission or bureau of the County or of any County department.

E. **County Contract** – shall mean:

1. a written agreement or purchase order instrument, providing for a total expenditure in excess of fifteen thousand dollars, whereby the County is committed to expend or does expend funds in return for labor, services, supplies, equipment, materials or any combination of the foregoing, to be performed for, or rendered or furnished to the County;
2. a written agreement in excess of sixty thousand dollars whereby the County is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon.

For the purposes of this section, the term "services" shall not include banking relationships, the issuance of insurance policies or contracts, or contracts with the County for the sale of bonds, notes or other securities.

F. **Director** – shall mean the Director of Diversity, Equity and Inclusion – Chief Diversity Officer.

G. **Minority Group Members** – shall mean a United States citizen or permanent resident alien who has and can demonstrate membership in one of the following groups:

- a. Black persons having origins in any of the Black African racial groups;
- b. Hispanic persons of Mexican, Puerto Rican, Dominican, Cuban, Central or South American Descent of either Indian or Hispanic origin, regardless of race;
- c. Native American or Alaskan native persons having origins in any of the original peoples of North America;



- d. Asian and Pacific Islander persons having origins in any of the Far East countries, South East Asia, the Indian subcontinent or the Pacific Islands.

H. Minority-Owned Business Enterprise – shall mean a business enterprise, including a sole proprietorship, partnership or corporation that is:

1. at least fifty-one percent owned by one or more minority group members;
2. an enterprise in which such minority ownership is real, substantial and continuing;
3. an enterprise in which such minority ownership has and exercises the authority to control independently the day-to-day business decisions of the enterprise; and
4. an enterprise authorized to do business in the State of New York state and independently owned and operated.

I. Office – shall mean the Monroe County Department of Diversity, Equity and Inclusion.

J. Subcontract - shall mean an agreement providing for a total expenditure in excess of fifteen thousand dollars for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon between a contractor and any individual or business enterprise, including a sole proprietorship, partnership, corporation, or not-for-profit corporation, in which a portion of a contractor's obligation under a County contract is undertaken or assumed, but shall not include any construction, demolition, replacement, major repair, renovation, planning or design of real property or improvements thereon for the beneficial use of the contractor.

K. Utilization Plan - shall mean a plan prepared by a contractor and submitted in connection with a proposed County contract. The utilization plan shall identify certified minority and women-owned business enterprises, if known, that have committed to perform work in connection with the proposed County contract as well as any such enterprises, if known, which the contractor intends to use in connection with the contractor's performance of the proposed County contract. The plan shall specifically contain a list, including the name, address and telephone number, of each certified enterprise with which the contractor intends to subcontract.

L. Women-Owned Business Enterprise – shall mean a business enterprise, including a sole Proprietorship, partnership or corporation that is:

1. at least fifty-one percent owned by one or more United States citizens or permanent resident aliens who are women;
2. an enterprise in which the ownership interest of such women is real, substantial and continuing;
3. an enterprise in which such women ownership has and exercises the authority to control independently the day-to-day business decisions of the enterprise; and
4. an enterprise authorized to do business in the State of New York state and independently owned and operated.

**§ 26-5. Certification.**

A. The Director, in conjunction with the Committee, shall promulgate rules and regulations providing for the establishment of a Countywide certification program, including rules and regulations governing the approval, denial or revocation of any such certification. Such rules and regulations shall include, but not be limited to, such matters as may be required to ensure that the established procedures thereunder shall at least be in compliance with the code of fair procedure set forth in § 73 of the New York Civil Rights Law. The Director shall accept all businesses having or awaiting certification by a state agency.

B. For the purposes of this article, the Office shall be responsible for verifying businesses as being owned, operated, and controlled by minority group members or women and for certifying such verified businesses or may refer such process to an appropriate state agency. The Director shall prepare a directory of certified businesses for use by the County and contractors in carrying out the provisions of this article. The Director shall periodically update the directory and make it publically available on the County's website.

C. Following application for certification pursuant to this section, the Director shall provide the applicant with written notice of the status of the application, including notice of any outstanding deficiencies, within 30 days. Within 60 days of submission of a final completed application, the Director shall provide the applicant with written notice of a determination by the Office approving or denying such certification and, in the event of a denial, a statement setting forth the reasons for such denial. Upon a determination denying or revoking certification, the business enterprise for which certification has been so denied or revoked shall, upon written request made within 30 days from receipt of notice of such determination, be entitled to a hearing before the Committee. In the event that a request for a hearing is not made within such thirty-day period, such determination shall be deemed to be final. The Committee shall conduct a hearing and, upon the conclusion of such hearing, issue a written recommendation to the Director to affirm, reverse or modify such determination of the Director. Such written recommendation shall be issued to the applicant and the Director. The Director, within 30 days, shall, by order, accept, reject or modify such recommendation of the Committee and set forth in writing the reasons therefor. The Director shall serve a copy of such order and reasons therefor upon the business enterprise by personal service or by certified mail, return receipt requested.

**§ 26-6. Annual Workshop**

The Office shall hold an annual workshop for potential minority and women-owned business enterprise applicants and certified businesses, for the purpose of educating and informing participants about the County's procurement processes and reviewing upcoming procurement opportunities including, but not limited to the Capital Improvement Plan. The workshop shall include all relevant information to allow potential bidders to understand, navigate, and compete in the County's procurement process.

**§ 26-7. Goals**

The County hereby sets the following goals for insuring the full and equitable participation minority and women-owned business enterprises:

A. the County shall have a level of participation goal of twelve (12) percent for minority-owned business enterprises of the total value of County contracts in a given year;

B. the County shall have a level of participation goal of three (3) percent for women-owned business enterprises of the total value of County contracts in a given year; and

C. the above stated goals shall coincide with the County's good faith efforts to utilize local labor and create local jobs through County contracts.

**§ 26-8. Equal Employment Opportunities for Minority Group Members and Women.**

A. All County contracts and all documents soliciting bids or proposals for County contracts shall contain or make reference to the following provisions:

1. the contractor shall not discriminate against employees or applicants for employment because of race, creed, color, national origin, sex, age, disability, sexual orientation, military status, or marital status, and will undertake or continue taking steps to ensure that minority group members and women are afforded equal employment opportunities without discrimination. For purposes of this article, such steps shall include recruitment, employment, job assignments, promotion, upgrading, demotion, transfer, layoff, or termination and rates of pay or other forms of compensation;
2. at the request of the County, the contractor shall request each employment agency, labor union, or authorized representative of workers with which it has a collective bargaining or other agreement or understanding to furnish a written statement that such employment agency, labor union, or representative will not discriminate on the basis of race, creed, color, national origin, sex, age, disability, sexual orientation, military status, or marital status and that such union or representative will affirmatively cooperate in the implementation of the contractor's obligations herein; and
3. the contractor shall state, in all solicitations or advertisements for employees, that, in the performance of the County contract, all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability, sexual orientation, military status, or marital status.

B. The contractor shall include the provisions of Subsection A of this section in every subcontract in such a manner that the provisions will be binding upon each subcontractor as to all work done in connection with the County contract.

C. The provisions of this section shall not be binding upon contractors or subcontractors in the performance of work or the provision of services or any other activities that are unrelated, separate, or distinct from the County contract as expressed by its terms.

D. In the implementation of this section, the County shall consider compliance by a contractor or subcontractor with the requirements of any federal and state law concerning equal employment opportunity, which effectuates the purposes of this section. The County shall determine whether the imposition of the requirements of the provisions hereof duplicate or conflict with any such law, and if such duplication or conflict exists, the County shall waive the applicability of this section to the extent of such duplication or conflict.

**§ 26-9. Requirements**

A. The Director, in conjunction with the Committee, shall promulgate rules and regulations that provide measures and procedures to ensure that certified businesses shall be given the opportunity for meaningful participation in the performance of County contracts. Such rules shall require the County to identify those County contracts for which certified businesses are most likely to be available and may set forth additional requirements for outreach to minority businesses particularly with regard to such contracts. Nothing in the provisions of this article shall be construed to limit the ability of any certified business to bid on any contract.

B. The County shall include or require to be included with respect to County contracts for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon, requests for proposals (RFPs), and any other applicable County contracts, such provisions as may be necessary to effectuate the provisions of this article, including but not limited to provisions:

1. requiring contractors to use best efforts to solicit active participation by enterprises identified in the directory of certified businesses provided to the County by the Office; and
2. requiring the parties to agree, as a condition of entering into such contract, to be bound by the provisions of § 26-8 of this article; provided, however, that no such provisions shall be binding upon contractors or in the performance of work or the provision of services that are unrelated, separate or distinct from the County contract as expressed by its terms, and nothing in this section shall authorize the Director or any contracting agency to impose any requirement on a contractor except with respect to a County contract.

C. All requests for proposals, requests for qualifications, and expressions of interest issued by the County shall include approach to minority and women-owned business enterprise utilization in the selection criteria, and shall state that minority and women-owned business enterprise utilization will be used as selection criteria and rated in compliance with the Monroe County Department of Finance - Division of Purchasing and Central Service's Procedure for Service Contracts.

D. In the implementation of this section, the County shall consider compliance with the requirements of any federal or state law concerning opportunities for minority and women-owned business enterprises which effectuate the purpose of this section. The County shall determine whether the imposition of the requirements of any such law duplicate or conflict with the provisions hereof, and if such duplication or conflict exists, the County may waive the applicability of this article to the extent of such duplication or conflict.

#### § 26-10. Rules for Utilization of Subcontractors.

A. The Director, in conjunction with the Committee, shall promulgate rules and regulations requiring that all contractors use best efforts to achieve participation in subcontracting by minority and women-owned business enterprises in accordance with goals set by § 26-7 to enhance opportunity for minority and women-owned businesses to reflect the percentage of minority and women-owned businesses available to perform such work.

B. The County shall administer the rules and regulations promulgated by the Director, in conjunction with the Committee, to ensure compliance with the provisions of this section.

1. Such rules and regulations shall require that:
  - a. a contractor submit a utilization plan after bids are opened, when bids are required, or in a contractor's response to an RFP;
  - b. in all cases, prior to the award of a County contract, the County shall review the utilization plan submitted by the contractor within a reasonable period of time, as established by the Director;
  - c. the County notify the contractor in writing within a period of time specified by the Director as to any deficiencies contained in the contractor's utilization plan, as well as the permissible time period within which to cure such deficiencies;
  - d. the contractor submit periodic compliance reports relating to the operation and implementation of any utilization plan; and

- e. the County file a complaint with the Director, or the Committee, in the event a contractor is failing or has failed to comply with the minority- and women-owned business enterprise participation requirements set forth in the County contract and no waiver has been granted pursuant to Subsections E and F of this section.

2. Such rules and regulations shall allow a contractor to:

- a. apply for a partial or total waiver of the minority and women-owned business enterprise participation requirements pursuant to Subsections E and F of this section.
- b. file a complaint with the Director, or the Committee, in the event the County has failed or refused to issue a waiver of the minority and women owned business enterprise participation requirements or has denied such request for a waiver.

C. The rules and regulations promulgated pursuant to this section regarding a utilization plan shall provide that where enterprises have been identified within a utilization plan, a contractor shall use best efforts to utilize such enterprise at least to the extent indicated. The County may require a contractor to indicate, within a utilization plan, what measures and procedures he or she intends to take to comply with the provisions of this article, but may not require, as a condition of award of or compliance with a contract, that a contractor utilize a particular enterprise in performance of the contract.

D. Without limiting other grounds for the disqualification of bids or proposals on the basis of nonresponsibility, the County may disqualify the bid or proposal of a contractor as being nonresponsible for failure to remedy noted deficiencies in the contractor's utilization plan within a period of time specified in regulations promulgated by the Director, in conjunction with the Committee, after receiving notification of such deficiencies from the County. Where failure to remedy any noted deficiency in the utilization plan is a ground for disqualification, that issue and all other grounds for disqualification shall be stated in writing by the County. Where the County states that a failure to remedy any noted deficiency in the utilization plan is a ground for disqualification, the contractor shall be entitled to an administrative hearing, on a record, involving all grounds stated by the County. Such hearing shall be conducted by the appropriate authority of the County to review the determination of disqualification. A final administrative determination made following such hearing shall be reviewable in accordance with law.

E. Where it appears that a contractor, after making its best efforts, cannot comply with the minority and women-owned business enterprise participation requirements set forth in a particular County contract, a contractor may file a written application with the County requesting a partial or total waiver of such requirements setting forth the reasons for the contractor's inability to meet any or all of the participation requirements and an explanation of the efforts undertaken, by the contractor to obtain the required minority and women-owned business enterprise participation. In implementing the provisions of this section, the County shall consider the number and types of minority and women-owned business located in the County, the total dollar value of the County contract, the scope of work to be performed and the project size and term. Based on such considerations, if the County determines there is not a reasonable availability of contractors on the list of certified businesses to furnish services for the project, it shall issue a waiver of compliance to the contractor. In making such determination, the County shall first consider the availability of other business enterprises located in the County and shall thereafter consider the financial ability of certified businesses located in the County to perform the County contract.

F. For purposes of determining if a contractor has used best efforts to comply with the requirements of this section or is entitled to a waiver, the County shall consider:

- 1. Whether the contractor has advertised in general circulation media, trade association, and minority-focus, women-focus, and in such event:

- a. whether or not certified businesses which have been solicited by the contractor exhibited interest in submitting proposals for a particular project by attending a pre-bid conference; and
  - b. whether certified businesses which have been solicited by the contractor have responded in a timely fashion to the contractor's solicitations for timely competitive bid quotations prior to the County's bid date; and
2. Whether there has been written notification to appropriate certified businesses that appear in the directory of certified businesses prepared pursuant to § 26-5 of this article; and
  3. Whether the contractor can reasonably structure the amount of work to be performed under subcontracts in order to increase the likelihood of participation by certified businesses.

G. In the event that the County fails or refuses to issue a requested waiver to a contractor within 30 days of the application therefor pursuant to Subsection E of this section, or if the County denies such application in whole or in part, the contractor may file a complaint with the Director, or the Committee, setting forth the facts and circumstances giving rise to the contractor's complaint together with a demand for relief. The contractor shall serve a copy of such complaint upon the County by personal service or by certified mail, return receipt requested. The County shall be afforded an opportunity to respond to such in writing.

H. If, after the review of a contractor's utilization plan or review of a periodic compliance report and after such contractor has been afforded an opportunity to respond to a notice of deficiency issued by the County in connection therewith, it appears that a contractor is failing or refusing to comply with minority and women-owned business enterprise participation requirements as set forth in the County contract and where no waiver from such requirements has been granted, the County may file a written complaint with the Director, or the Committee, setting forth the facts and circumstances giving rise to the County's complaint together with a demand for relief. The County shall serve a copy of such complaint upon the contractor by personal service or by certified mail, return receipt requested. The contractor shall be afforded an opportunity to respond to such complaint in writing

#### **§ 26-11. Enforcement**

Upon receipt of a complaint by that a contractor has violated the provisions of a County contract, which have been included to comply with the provisions of this article, the Director, in conjunction with the Committee, shall attempt to resolve the matter giving rise to such complaint within 30 days of receipt of the complaint. If efforts to resolve such matter to the satisfaction of all parties are unsuccessful, the matter shall be immediately referred to the Department of Law for appropriate action, including, but not limited to, withholding payment due under the contract, or cancellation, termination or suspension of the contract in whole or in part.

#### **§ 26-12. Report**

The County Executive, or their designee, shall file a report with the County Legislature no later than April 1st of each year, which details the levels of participation for minority and women-owned business enterprise businesses in County contracts for the prior year. The report shall include the name of each project funded, the total dollars spent for the project, and total dollars spent with minority and women-owned businesses, respectively.

§ 26-13. Severability.

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

Section 3. This local law shall take effect sixty-days after filing with the Secretary of State pursuant to Section 27 of the New York State Municipal Home Rule Law.

\_\_\_\_\_ Committee; \_\_\_\_\_ - CV: \_\_\_\_\_

\_\_\_\_\_ Committee; \_\_\_\_\_ - CV: \_\_\_\_\_

File No. 20-\_\_\_\_.LL

ADOPTION: Date: \_\_\_\_\_

Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF LOCAL LAW: \_\_\_\_\_

By Legislators Flagler-Mitchell and Felder

Intro No. \_\_\_\_\_

LOCAL LAW NO. \_\_\_\_ OF 2021

**ENACT A LOCAL LAW ENTITLED "GANTT'S LAW FOR UTILIZATION OF MINORITY AND WOMEN-OWNED BUSINESSES"**

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. Resolutions 240 of 2014 and 69 of 1989 are hereby rescinded.

Section 2. Part III, Administrative Local Laws of the Administrative Code and Charter of Monroe County, is hereby amended to add a new chapter to include the following Local Law:

**CHAPTER 26, UTILIZATION OF MINORITY AND WOMEN-OWNED BUSINESSES**

§ 26-1. **Title.**

This chapter shall be known as the "Gantt's Law."

§ 26-2. **Legislative Intent.**

- A. This Legislature hereby finds and determines that a need exists within the County of Monroe to recognize and encourage the growth of business enterprises that are owned and operated by women and minorities.
- B. This Legislature also finds business enterprises that are owned and operated by women and minorities have struggled to achieve equitable representation in procurement by the County of Monroe.
- C. This Legislature also finds that previous policies enacted by the County of Monroe regarding business enterprises that are owned and operated by women and minorities only pertained to construction activities.
- D. This Legislature also finds that the County's economy will benefit from the utilization by the County of business enterprises that are owned and operated by women and minorities.
- E. This Legislature further finds that both the state and federal governments have instituted programs that facilitate participation in government contracts by business enterprises that are owned and operated by women and minorities.
- F. Therefore, the purpose of this article is to ensure that minority- and women-owned business enterprises have sufficient opportunity to participate both directly and indirectly in contracting opportunities with Monroe County.



§ 26-3. Purpose.

The purpose of this section is to promote and encourage the utilization of minority and women-owned business enterprises in procurement by the County of Monroe and establish clear guidelines for what constitutes a minority and women-owned business enterprise, create a directory of minority and women-owned business enterprises, expand the use of minority and women-owned business enterprises in all areas of County procurement, institute reporting guidelines, conduct training for minority and women-owned business enterprises, and set new goals for the use of minority and women-owned business enterprises in County procurement.

§ 26-4. Definitions. As used in this section:

A. Certified Business – shall mean a business verified as a minority and women-owned business enterprise pursuant to § 26-5 of this article.

B. Committee – shall mean the Diversity Action Plan Advisory Committee established in accordance with Resolution 212 of 2020.

C. Contractor – shall mean an individual, a business enterprise, including a sole proprietorship, a partnership, a corporation, a not-for-profit corporation, or any other party to a County contract, or a bidder in conjunction with the award of a County contract or a proposed party to a County contract.

D. County – shall mean any County department; or any agency, division, board, office, elected official, commission or bureau of the County or of any County department.

E. County Contract – shall mean:

1. a written agreement or purchase order instrument, providing for a total expenditure in excess of fifteen thousand dollars, whereby the County is committed to expend or does expend funds in return for labor, services, supplies, equipment, materials or any combination of the foregoing, to be performed for, or rendered or furnished to the County;
2. a written agreement in excess of sixty thousand dollars whereby the County is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon.

For the purposes of this section, the term "services" shall not include banking relationships, the issuance of insurance policies or contracts, or contracts with the County for the sale of bonds, notes or other securities.

F. Director – shall mean the Director of Diversity, Equity and Inclusion – Chief Diversity Officer.

G. Minority Group Members – shall mean a United States citizen or permanent resident alien who has and can demonstrate membership in one of the following groups:

- a. Black persons having origins in any of the Black African racial groups;
- b. Hispanic persons of Mexican, Puerto Rican, Dominican, Cuban, Central or South American Descent of either Indian or Hispanic origin, regardless of race;
- c. Native American or Alaskan native persons having origins in any of the original peoples of North America;

- d. Asian and Pacific Islander persons having origins in any of the Far East countries, South East Asia, the Indian subcontinent or the Pacific Islands.

H. Minority-Owned Business Enterprise – shall mean a business enterprise, including a sole proprietorship, partnership or corporation that is:

1. at least fifty-one percent owned by one or more minority group members;
2. an enterprise in which such minority ownership is real, substantial and continuing;
3. an enterprise in which such minority ownership has and exercises the authority to control independently the day-to-day business decisions of the enterprise; and
4. an enterprise authorized to do business in the State of New York state and independently owned and operated.

I. Office – shall mean the Monroe County Department of Diversity, Equity and Inclusion.

J. Subcontract - shall mean an agreement providing for a total expenditure in excess of fifteen thousand dollars for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon between a contractor and any individual or business enterprise, including a sole proprietorship, partnership, corporation, or not-for-profit corporation, in which a portion of a contractor's obligation under a County contract is undertaken or assumed, but shall not include any construction, demolition, replacement, major repair, renovation, planning or design of real property or improvements thereon for the beneficial use of the contractor.

K. Utilization Plan - shall mean a plan prepared by a contractor and submitted in connection with a proposed County contract. The utilization plan shall identify certified minority and women-owned business enterprises, if known, that have committed to perform work in connection with the proposed County contract as well as any such enterprises, if known, which the contractor intends to use in connection with the contractor's performance of the proposed County contract. The plan shall specifically contain a list, including the name, address and telephone number, of each certified enterprise with which the contractor intends to subcontract.

L. Women-Owned Business Enterprise – shall mean a business enterprise, including a sole Proprietorship, partnership or corporation that is:

1. at least fifty-one percent owned by one or more United States citizens or permanent resident aliens who are women;
2. an enterprise in which the ownership interest of such women is real, substantial and continuing;
3. an enterprise in which such women ownership has and exercises the authority to control independently the day-to-day business decisions of the enterprise; and
4. an enterprise authorized to do business in the State of New York state and independently owned and operated.

§ 26-5. Certification.

A. The Director, in conjunction with the Committee, shall promulgate rules and regulations providing for the establishment of a Countywide certification program, including rules and regulations governing the approval, denial or revocation of any such certification. Such rules and regulations shall include, but not be limited to, such matters as may be required to ensure that the established procedures thereunder shall at least be in compliance with the code of fair procedure set forth in § 73 of the New York Civil Rights Law. The Director shall accept all businesses having or awaiting certification by a state agency.

B. For the purposes of this article, the Office shall be responsible for verifying businesses as being owned, operated, and controlled by minority group members or women and for certifying such verified businesses or may refer such process to an appropriate state agency. The Director shall prepare a directory of certified businesses for use by the County and contractors in carrying out the provisions of this article. The Director shall periodically update the directory and make it publically available on the County's website.

C. Following application for certification pursuant to this section, the Director shall provide the applicant with written notice of the status of the application, including notice of any outstanding deficiencies, within 30 days. Within 60 days of submission of a final completed application, the Director shall provide the applicant with written notice of a determination by the Office approving or denying such certification and, in the event of a denial, a statement setting forth the reasons for such denial. Upon a determination denying or revoking certification, the business enterprise for which certification has been so denied or revoked shall, upon written request made within 30 days from receipt of notice of such determination, be entitled to a hearing before the Committee. In the event that a request for a hearing is not made within such thirty-day period, such determination shall be deemed to be final. The Committee shall conduct a hearing and, upon the conclusion of such hearing, issue a written recommendation to the Director to affirm, reverse or modify such determination of the Director. Such written recommendation shall be issued to the applicant and the Director. The Director, within 30 days, shall, by order, accept, reject or modify such recommendation of the Committee and set forth in writing the reasons therefor. The Director shall serve a copy of such order and reasons therefor upon the business enterprise by personal service or by certified mail, return receipt requested.

§ 26-6. Annual Workshop

The Office shall hold an annual workshop for potential minority and women-owned business enterprise applicants and certified businesses, for the purpose of educating and informing participants about the County's procurement processes and reviewing upcoming procurement opportunities including, but not limited to the Capital Improvement Plan. The workshop shall include all relevant information to allow potential bidders to understand, navigate, and compete in the County's procurement process.

§ 26-7. Goals

The County hereby sets the following goals for insuring the full and equitable participation minority and women-owned business enterprises:

A. the County shall have a level of participation goal of twelve (12) percent for minority-owned business enterprises of the total value of County contracts in a given year;

B. the County shall have a level of participation goal of three (3) percent for women-owned business enterprises of the total value of County contracts in a given year; and

C. the above stated goals shall coincide with the County's good faith efforts to utilize local labor and create local jobs through County contracts.

§ 26-8. Equal Employment Opportunities for Minority Group Members and Women.

A. All County contracts and all documents soliciting bids or proposals for County contracts shall contain or make reference to the following provisions:

1. the contractor shall not discriminate against employees or applicants for employment because of race, creed, color, national origin, sex, age, disability, sexual orientation, military status, or marital status, and will undertake or continue taking steps to ensure that minority group members and women are afforded equal employment opportunities without discrimination. For purposes of this article, such steps shall include recruitment, employment, job assignments, promotion, upgrading, demotion, transfer, layoff, or termination and rates of pay or other forms of compensation;
2. at the request of the County, the contractor shall request each employment agency, labor union, or authorized representative of workers with which it has a collective bargaining or other agreement or understanding to furnish a written statement that such employment agency, labor union, or representative will not discriminate on the basis of race, creed, color, national origin, sex, age, disability, sexual orientation, military status, or marital status and that such union or representative will affirmatively cooperate in the implementation of the contractor's obligations herein; and
3. the contractor shall state, in all solicitations or advertisements for employees, that, in the performance of the County contract, all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability, sexual orientation, military status, or marital status.

B. The contractor shall include the provisions of Subsection A of this section in every subcontract in such a manner that the provisions will be binding upon each subcontractor as to all work done in connection with the County contract.

C. The provisions of this section shall not be binding upon contractors or subcontractors in the performance of work or the provision of services or any other activities that are unrelated, separate, or distinct from the County contract as expressed by its terms.

D. In the implementation of this section, the County shall consider compliance by a contractor or subcontractor with the requirements of any federal and state law concerning equal employment opportunity, which effectuates the purposes of this section. The County shall determine whether the imposition of the requirements of the provisions hereof duplicate or conflict with any such law, and if such duplication or conflict exists, the County shall waive the applicability of this section to the extent of such duplication or conflict.

§ 26-9. Requirements

A. The Director, in conjunction with the Committee, shall promulgate rules and regulations that provide measures and procedures to ensure that certified businesses shall be given the opportunity for meaningful participation in the performance of County contracts. Such rules shall require the County to identify those County contracts for which certified businesses are most likely to be available and may set forth additional requirements for outreach to minority businesses particularly with regard to such contracts. Nothing in the provisions of this article shall be construed to limit the ability of any certified business to bid on any contract.

B. The County shall include or require to be included with respect to County contracts for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon, requests for proposals (RFPs), and any other applicable County contracts, such provisions as may be necessary to effectuate the provisions of this article, including but not limited to provisions:

1. requiring contractors to use best efforts to solicit active participation by enterprises identified in the directory of certified businesses provided to the County by the Office; and
2. requiring the parties to agree, as a condition of entering into such contract, to be bound by the provisions of § 26-8 of this article; provided, however, that no such provisions shall be binding upon contractors or in the performance of work or the provision of services that are unrelated, separate or distinct from the County contract as expressed by its terms, and nothing in this section shall authorize the Director or any contracting agency to impose any requirement on a contractor except with respect to a County contract.

C. All requests for proposals, requests for qualifications, and expressions of interest issued by the County shall include approach to minority and women-owned business enterprise utilization in the selection criteria, and shall state that minority and women-owned business enterprise utilization will be used as selection criteria and rated in compliance with the Monroe County Department of Finance - Division of Purchasing and Central Service's Procedure for Service Contracts.

D. In the implementation of this section, the County shall consider compliance with the requirements of any federal or state law concerning opportunities for minority and women-owned business enterprises which effectuate the purpose of this section. The County shall determine whether the imposition of the requirements of any such law duplicate or conflict with the provisions hereof, and if such duplication or conflict exists, the County may waive the applicability of this article to the extent of such duplication or conflict.

**§ 26-10. Rules for Utilization of Subcontractors.**

A. The Director, in conjunction with the Committee, shall promulgate rules and regulations requiring that all contractors use best efforts to achieve participation in subcontracting by minority and women-owned business enterprises in accordance with goals set by § 26-7 to enhance opportunity for minority and women-owned businesses to reflect the percentage of minority and women-owned businesses available to perform such work.

B. The County shall administer the rules and regulations promulgated by the Director, in conjunction with the Committee, to ensure compliance with the provisions of this section.

1. Such rules and regulations shall require that:
  - a. a contractor submit a utilization plan after bids are opened, when bids are required, or in a contractor's response to an RFP;
  - b. in all cases, prior to the award of a County contract, the County shall review the utilization plan submitted by the contractor within a reasonable period of time, as established by the Director;
  - c. the County notify the contractor in writing within a period of time specified by the Director as to any deficiencies contained in the contractor's utilization plan, as well as the permissible time period within which to cure such deficiencies;
  - d. the contractor submit periodic compliance reports relating to the operation and implementation of any utilization plan; and

- e. the County file a complaint with the Director, or the Committee, in the event a contractor is failing or has failed to comply with the minority- and women-owned business enterprise participation requirements set forth in the County contract and no waiver has been granted pursuant to Subsections E and F of this section.

2. Such rules and regulations shall allow a contractor to:

- a. apply for a partial or total waiver of the minority and women-owned business enterprise participation requirements pursuant to Subsections E and F of this section.
- b. file a complaint with the Director, or the Committee, in the event the County has failed or refused to issue a waiver of the minority and women owned business enterprise participation requirements or has denied such request for a waiver.

C. The rules and regulations promulgated pursuant to this section regarding a utilization plan shall provide that where enterprises have been identified within a utilization plan, a contractor shall use best efforts to utilize such enterprise at least to the extent indicated. The County may require a contractor to indicate, within a utilization plan, what measures and procedures he or she intends to take to comply with the provisions of this article, but may not require, as a condition of award of or compliance with a contract, that a contractor utilize a particular enterprise in performance of the contract.

D. Without limiting other grounds for the disqualification of bids or proposals on the basis of nonresponsibility, the County may disqualify the bid or proposal of a contractor as being nonresponsible for failure to remedy noted deficiencies in the contractor's utilization plan within a period of time specified in regulations promulgated by the Director, in conjunction with the Committee, after receiving notification of such deficiencies from the County. Where failure to remedy any noted deficiency in the utilization plan is a ground for disqualification, that issue and all other grounds for disqualification shall be stated in writing by the County. Where the County states that a failure to remedy any noted deficiency in the utilization plan is a ground for disqualification, the contractor shall be entitled to an administrative hearing, on a record, involving all grounds stated by the County. Such hearing shall be conducted by the appropriate authority of the County to review the determination of disqualification. A final administrative determination made following such hearing shall be reviewable in accordance with law.

E. Where it appears that a contractor, after making its best efforts, cannot comply with the minority and women-owned business enterprise participation requirements set forth in a particular County contract, a contractor may file a written application with the County requesting a partial or total waiver of such requirements setting forth the reasons for the contractor's inability to meet any or all of the participation requirements and an explanation of the efforts undertaken, by the contractor to obtain the required minority and women-owned business enterprise participation. In implementing the provisions of this section, the County shall consider the number and types of minority and women-owned business located in the County, the total dollar value of the County contract, the scope of work to be performed and the project size and term. Based on such considerations, if the County determines there is not a reasonable availability of contractors on the list of certified businesses to furnish services for the project, it shall issue a waiver of compliance to the contractor. In making such determination, the County shall first consider the availability of other business enterprises located in the County and shall thereafter consider the financial ability of certified businesses located in the County to perform the County contract.

F. For purposes of determining if a contractor has used best efforts to comply with the requirements of this section or is entitled to a waiver, the County shall consider:

- 1. Whether the contractor has advertised in general circulation media, trade association, and minority-focus, women-focus, and in such event:

- a. whether or not certified businesses which have been solicited by the contractor exhibited interest in submitting proposals for a particular project by attending a pre-bid conference; and
  - b. whether certified businesses which have been solicited by the contractor have responded in a timely fashion to the contractor's solicitations for timely competitive bid quotations prior to the County's bid date; and
2. Whether there has been written notification to appropriate certified businesses that appear in the directory of certified businesses prepared pursuant to § 26-5 of this article; and
  3. Whether the contractor can reasonably structure the amount of work to be performed under subcontracts in order to increase the likelihood of participation by certified businesses.

G. In the event that the County fails or refuses to issue a requested waiver to a contractor within 30 days of the application therefor pursuant to Subsection E of this section, or if the County denies such application in whole or in part, the contractor may file a complaint with the Director, or the Committee, setting forth the facts and circumstances giving rise to the contractor's complaint together with a demand for relief. The contractor shall serve a copy of such complaint upon the County by personal service or by certified mail, return receipt requested. The County shall be afforded an opportunity to respond to such in writing.

H. If, after the review of a contractor's utilization plan or review of a periodic compliance report and after such contractor has been afforded an opportunity to respond to a notice of deficiency issued by the County in connection therewith, it appears that a contractor is failing or refusing to comply with minority and women-owned business enterprise participation requirements as set forth in the County contract and where no waiver from such requirements has been granted, the County may file a written complaint with the Director, or the Committee, setting forth the facts and circumstances giving rise to the County's complaint together with a demand for relief. The County shall serve a copy of such complaint upon the contractor by personal service or by certified mail, return receipt requested. The contractor shall be afforded an opportunity to respond to such complaint in writing.

#### § 26-11. Enforcement

Upon receipt of a complaint by that a contractor has violated the provisions of a County contract, which have been included to comply with the provisions of this article, the Director, in conjunction with the Committee, shall attempt to resolve the matter giving rise to such complaint within 30 days of receipt of the complaint. If efforts to resolve such matter to the satisfaction of all parties are unsuccessful, the matter shall be immediately referred to the Department of Law for appropriate action, including, but not limited to, withholding payment due under the contract, or cancellation, termination or suspension of the contract in whole or in part.

#### § 26-12. Report

The County Executive, or their designee, shall file a report with the County Legislature no later than April 1st of each year, which details the levels of participation for minority and women-owned business enterprise businesses in County contracts for the prior year. The report shall include the name of each project funded, the total dollars spent for the project, and total dollars spent with minority and women-owned businesses, respectively.

#### § 26-13. Severability.

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

Section 3. This local law shall take effect sixty-days after filing with the Secretary of State pursuant to Section 27 of the New York State Municipal Home Rule Law.

Agenda/Charter Committee – Discharged to Legislature  
File No. 20-0340.LL

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF LOCAL LAW: \_\_\_\_\_





**ATTACHMENTS:**

	<b>Description</b>	<b>File Name</b>	<b>Type</b>
▢	<b>Referral</b>	<b>R20-0340.pdf</b>	<b>Referral Letter</b>
▢	<b>Resolution</b>	<b>ITEM_14.pdf</b>	<b>Resolution</b>



# Monroe County Legislature

## Black and Asian Democratic Caucus

Calvin Lee, Jr  
LEGISLATOR – District 25

Sabrina LaMar  
LEGISLATOR – District 27

Frank Keophtlasy  
LEGISLATOR – District 28

Ernest Flagler-Mitchell  
LEGISLATOR – District 29

October 26, 2020

To the Honorable  
Monroe County Legislature  
39 West Main Street  
Rochester, NY 14614

LEGISLATOR – District 29
<b>OFFICIAL FILE COPY</b>
No. <u>200340</u>
Not to be removed from the Office of the Legislature Of Monroe County
Committee Assignment
<b>AGENDA/CHARTER -L</b>

**RE: Enact a Local Law Entitled “Gantt’s Law for Utilization of Minority and Women-Owned Businesses”**

Honorable Legislators:

Over the years, minority and women-owned business enterprises have struggled to achieve equitable representation in County procurement. Although Monroe County has made good-faith efforts to hold itself to the state and federal guidelines for minority and women-owned business enterprises, there seems to be a lack of follow-through, especially in the area of professional service contracts.

In 2020 alone, this Honorable Body has undertaken several legislative initiatives to expand and promote diversity in County government, including the Diversity Action Plan, which seeks to encourage diverse representation in all County Departments. However, achieving diversity in the County’s workforce is only one part of diversifying County operations. With an over \$1 billion dollar budget, Monroe County must also achieve diversity in the money it spend on contracts.

Monroe County must facilitate the elimination of discrimination and racism while providing opportunities to minority and women-owned business enterprises. Monroe County needs to be the leader in the community by taking an active approach to promote opportunities for minority and women-owned business enterprises to bid on County projects and participate in procurement. The County Executive must actively be working with the Chief Diversity Officer, Division of Purchasing and Central Services, and newly created Diversity Action Plan Advisory Committee to ensure that these opportunities are being presented, and that the County is promoting inclusivity in all facets.

Therefore, in the interest of promoting diversity in Monroe County government, we recommend that this Honorable Body enact a Local Law entitled “Gantt’s Law for Utilization of Minority and Women-Owned Businesses.” The purpose of this Local Law is to establish clear guidelines for what constitutes a minority and women-owned business enterprise, create a directory of minority and women-owned business enterprises for use by the County and contractors, expand the use of minority and women-owned business enterprises in all areas of County procurement, institute reporting guidelines, conduct training for minority and women-owned business enterprises, and set new goals for the use of minority and women-owned business enterprises in County procurement.

Much of the language used in this proposed local law was adapted from best practices already established by the State of New York, Suffolk County, and Erie County.

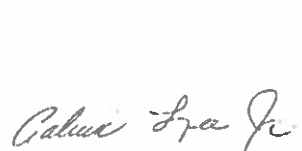
**The specific legislative actions required are:**

1. Schedule and hold a public hearing on the proposed local law.
2. Enact a Local Law entitled “Gantt’s Law for Utilization of Minority and Women-Owned Businesses.”

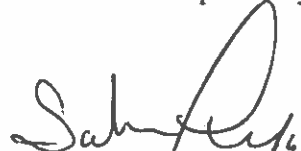
This is a Type II Action pursuant to 6 NYCRR 617.5(c) and is not subject to review under the State Environmental Quality Review Act.

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

Respectfully Submitted,



Calvin Lee, Jr  
County Legislator  
District 25 - Rochester



Sabrina LaMar  
County Legislator  
District 27 - Rochester



Frank Keophewasy  
County Legislator  
District 28 - Rochester



Ernest Flagler-Mitchell  
County Legislator  
District 29 - Rochester

By Legislators \_\_\_\_\_ and \_\_\_\_\_

Intro No. \_\_\_\_\_

LOCAL LAW NO. \_\_\_\_ OF 2020

**ENACT A LOCAL LAW ENTITLED “GANTT’S LAW FOR UTILIZATION OF MINORITY AND WOMEN-OWNED BUSINESSES”**

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. Resolutions 240 of 2014 and 69 of 1989 are hereby rescinded.

Section 2. Part III, Administrative Local Laws of the Administrative Code and Charter of Monroe County, is hereby amended to add a new chapter to include the following Local Law:

**CHAPTER 26, UTILIZATION OF MINORITY AND WOMEN-OWNED BUSINESSES**

**§ 26-1. Title.**

This chapter shall be known as the “Gantt’s Law.”

**§ 26-2. Legislative Intent.**

- A. This Legislature hereby finds and determines that a need exists within the County of Monroe to recognize and encourage the growth of business enterprises that are owned and operated by women and minorities.
- B. This Legislature also finds business enterprises that are owned and operated by women and minorities have struggled to achieve equitable representation in procurement by the County of Monroe.
- C. This Legislature also finds that previous policies enacted by the County of Monroe regarding business enterprises that are owned and operated by women and minorities only pertained to construction activities.
- D. This Legislature also finds that the County's economy will benefit from the utilization by the County of business enterprises that are owned and operated by women and minorities.
- E. This Legislature further finds that both the state and federal governments have instituted programs that facilitate participation in government contracts by business enterprises that are owned and operated by women and minorities.
- F. Therefore, the purpose of this article is to ensure that minority- and women-owned business enterprises have sufficient opportunity to participate both directly and indirectly in contracting opportunities with Monroe County.

§ 26-3. **Purpose.**

The purpose of this section is to promote and encourage the utilization of minority and women-owned business enterprises in procurement by the County of Monroe and establish clear guidelines for what constitutes a minority and women-owned business enterprise, create a directory of minority and women-owned business enterprises, expand the use of minority and women-owned business enterprises in all areas of County procurement, institute reporting guidelines, conduct training for minority and women-owned business enterprises, and set new goals for the use of minority and women-owned business enterprises in County procurement.

§ 26-4. **Definitions.** As used in this section:

A. **Certified Business** – shall mean a business verified as a minority and women-owned business enterprise pursuant to § 26-5 of this article.

B. **Committee** – shall mean the Diversity Action Plan Advisory Committee established in accordance with Resolution 212 of 2020.

C. **Contractor** – shall mean an individual, a business enterprise, including a sole proprietorship, a partnership, a corporation, a not-for-profit corporation, or any other party to a County contract, or a bidder in conjunction with the award of a County contract or a proposed party to a County contract.

D. **County** – shall mean any County department; or any agency, division, board, office, elected official, commission or bureau of the County or of any County department.

E. **County Contract** – shall mean:

1. a written agreement or purchase order instrument, providing for a total expenditure in excess of fifteen thousand dollars, whereby the County is committed to expend or does expend funds in return for labor, services, supplies, equipment, materials or any combination of the foregoing, to be performed for, or rendered or furnished to the County;
2. a written agreement in excess of sixty thousand dollars whereby the County is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon.

For the purposes of this section, the term "services" shall not include banking relationships, the issuance of insurance policies or contracts, or contracts with the County for the sale of bonds, notes or other securities.

F. **Director** – shall mean the Director of Diversity, Equity and Inclusion – Chief Diversity Officer.

G. **Minority Group Members** – shall mean a United States citizen or permanent resident alien who has and can demonstrate membership in one of the following groups:

- a. Black persons having origins in any of the Black African racial groups;
- b. Hispanic persons of Mexican, Puerto Rican, Dominican, Cuban, Central or South American Descent of either Indian or Hispanic origin, regardless of race;
- c. Native American or Alaskan native persons having origins in any of the original peoples of North America;

- d. Asian and Pacific Islander persons having origins in any of the Far East countries, South East Asia, the Indian subcontinent or the Pacific Islands.

H. Minority-Owned Business Enterprise – shall mean a business enterprise, including a sole proprietorship, partnership or corporation that is:

1. at least fifty-one percent owned by one or more minority group members;
2. an enterprise in which such minority ownership is real, substantial and continuing;
3. an enterprise in which such minority ownership has and exercises the authority to control independently the day-to-day business decisions of the enterprise; and
4. an enterprise authorized to do business in the State of New York state and independently owned and operated.

I. Office – shall mean the Monroe County Department of Diversity, Equity and Inclusion.

J. Subcontract - shall mean an agreement providing for a total expenditure in excess of fifteen thousand dollars for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon between a contractor and any individual or business enterprise, including a sole proprietorship, partnership, corporation, or not-for-profit corporation, in which a portion of a contractor's obligation under a County contract is undertaken or assumed, but shall not include any construction, demolition, replacement, major repair, renovation, planning or design of real property or improvements thereon for the beneficial use of the contractor.

K. Utilization Plan - shall mean a plan prepared by a contractor and submitted in connection with a proposed County contract. The utilization plan shall identify certified minority and women-owned business enterprises, if known, that have committed to perform work in connection with the proposed County contract as well as any such enterprises, if known, which the contractor intends to use in connection with the contractor's performance of the proposed County contract. The plan shall specifically contain a list, including the name, address and telephone number, of each certified enterprise with which the contractor intends to subcontract.

L. Women-Owned Business Enterprise – shall mean a business enterprise, including a sole Proprietorship, partnership or corporation that is:

1. at least fifty-one percent owned by one or more United States citizens or permanent resident aliens who are women;
2. an enterprise in which the ownership interest of such women is real, substantial and continuing;
3. an enterprise in which such women ownership has and exercises the authority to control independently the day-to-day business decisions of the enterprise; and
4. an enterprise authorized to do business in the State of New York state and independently owned and operated.

**§ 26-5. Certification.**

A. The Director, in conjunction with the Committee, shall promulgate rules and regulations providing for the establishment of a Countywide certification program, including rules and regulations governing the approval, denial or revocation of any such certification. Such rules and regulations shall include, but not be limited to, such matters as may be required to ensure that the established procedures thereunder shall at least be in compliance with the code of fair procedure set forth in § 73 of the New York Civil Rights Law. The Director shall accept all businesses having or awaiting certification by a state agency.

B. For the purposes of this article, the Office shall be responsible for verifying businesses as being owned, operated, and controlled by minority group members or women and for certifying such verified businesses or may refer such process to an appropriate state agency. The Director shall prepare a directory of certified businesses for use by the County and contractors in carrying out the provisions of this article. The Director shall periodically update the directory and make it publically available on the County's website.

C. Following application for certification pursuant to this section, the Director shall provide the applicant with written notice of the status of the application, including notice of any outstanding deficiencies, within 30 days. Within 60 days of submission of a final completed application, the Director shall provide the applicant with written notice of a determination by the Office approving or denying such certification and, in the event of a denial, a statement setting forth the reasons for such denial. Upon a determination denying or revoking certification, the business enterprise for which certification has been so denied or revoked shall, upon written request made within 30 days from receipt of notice of such determination, be entitled to a hearing before the Committee. In the event that a request for a hearing is not made within such thirty-day period, such determination shall be deemed to be final. The Committee shall conduct a hearing and, upon the conclusion of such hearing, issue a written recommendation to the Director to affirm, reverse or modify such determination of the Director. Such written recommendation shall be issued to the applicant and the Director. The Director, within 30 days, shall, by order, accept, reject or modify such recommendation of the Committee and set forth in writing the reasons therefor. The Director shall serve a copy of such order and reasons therefor upon the business enterprise by personal service or by certified mail, return receipt requested.

**§ 26-6. Annual Workshop**

The Office shall hold an annual workshop for potential minority and women-owned business enterprise applicants and certified businesses, for the purpose of educating and informing participants about the County's procurement processes and reviewing upcoming procurement opportunities including, but not limited to the Capital Improvement Plan. The workshop shall include all relevant information to allow potential bidders to understand, navigate, and compete in the County's procurement process.

**§ 26-7. Goals**

The County hereby sets the following goals for insuring the full and equitable participation minority and women-owned business enterprises:

A. the County shall have a level of participation goal of twelve (12) percent for minority-owned business enterprises of the total value of County contracts in a given year;

B. the County shall have a level of participation goal of three (3) percent for women-owned business enterprises of the total value of County contracts in a given year; and

C. the above stated goals shall coincide with the County's good faith efforts to utilize local labor and create local jobs through County contracts.

**§ 26-8. Equal Employment Opportunities for Minority Group Members and Women.**

A. All County contracts and all documents soliciting bids or proposals for County contracts shall contain or make reference to the following provisions:

1. the contractor shall not discriminate against employees or applicants for employment because of race, creed, color, national origin, sex, age, disability, sexual orientation, military status, or marital status, and will undertake or continue taking steps to ensure that minority group members and women are afforded equal employment opportunities without discrimination. For purposes of this article, such steps shall include recruitment, employment, job assignments, promotion, upgrading, demotion, transfer, layoff, or termination and rates of pay or other forms of compensation;
2. at the request of the County, the contractor shall request each employment agency, labor union, or authorized representative of workers with which it has a collective bargaining or other agreement or understanding to furnish a written statement that such employment agency, labor union, or representative will not discriminate on the basis of race, creed, color, national origin, sex, age, disability, sexual orientation, military status, or marital status and that such union or representative will affirmatively cooperate in the implementation of the contractor's obligations herein; and
3. the contractor shall state, in all solicitations or advertisements for employees, that, in the performance of the County contract, all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability, sexual orientation, military status, or marital status.

B. The contractor shall include the provisions of Subsection A of this section in every subcontract in such a manner that the provisions will be binding upon each subcontractor as to all work done in connection with the County contract.

C. The provisions of this section shall not be binding upon contractors or subcontractors in the performance of work or the provision of services or any other activities that are unrelated, separate, or distinct from the County contract as expressed by its terms.

D. In the implementation of this section, the County shall consider compliance by a contractor or subcontractor with the requirements of any federal and state law concerning equal employment opportunity, which effectuates the purposes of this section. The County shall determine whether the imposition of the requirements of the provisions hereof duplicate or conflict with any such law, and if such duplication or conflict exists, the County shall waive the applicability of this section to the extent of such duplication or conflict.

**§ 26-9. Requirements**

A. The Director, in conjunction with the Committee, shall promulgate rules and regulations that provide measures and procedures to ensure that certified businesses shall be given the opportunity for meaningful participation in the performance of County contracts. Such rules shall require the County to identify those County contracts for which certified businesses are most likely to be available and may set forth additional requirements for outreach to minority businesses particularly with regard to such contracts. Nothing in the provisions of this article shall be construed to limit the ability of any certified business to bid on any contract.



B. The County shall include or require to be included with respect to County contracts for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon, requests for proposals (RFPs), and any other applicable County contracts, such provisions as may be necessary to effectuate the provisions of this article, including but not limited to provisions:

1. requiring contractors to use best efforts to solicit active participation by enterprises identified in the directory of certified businesses provided to the County by the Office; and
2. requiring the parties to agree, as a condition of entering into such contract, to be bound by the provisions of § 26-8 of this article; provided, however, that no such provisions shall be binding upon contractors or in the performance of work or the provision of services that are unrelated, separate or distinct from the County contract as expressed by its terms, and nothing in this section shall authorize the Director or any contracting agency to impose any requirement on a contractor except with respect to a County contract.

C. All requests for proposals, requests for qualifications, and expressions of interest issued by the County shall include approach to minority and women-owned business enterprise utilization in the selection criteria, and shall state that minority and women-owned business enterprise utilization will be used as selection criteria and rated in compliance with the Monroe County Department of Finance - Division of Purchasing and Central Service's Procedure for Service Contracts.

D. In the implementation of this section, the County shall consider compliance with the requirements of any federal or state law concerning opportunities for minority and women-owned business enterprises which effectuate the purpose of this section. The County shall determine whether the imposition of the requirements of any such law duplicate or conflict with the provisions hereof, and if such duplication or conflict exists, the County may waive the applicability of this article to the extent of such duplication or conflict.

#### § 26-10. Rules for Utilization of Subcontractors.

A. The Director, in conjunction with the Committee, shall promulgate rules and regulations requiring that all contractors use best efforts to achieve participation in subcontracting by minority and women-owned business enterprises in accordance with goals set by § 26-7 to enhance opportunity for minority and women-owned businesses to reflect the percentage of minority and women-owned businesses available to perform such work.

B. The County shall administer the rules and regulations promulgated by the Director, in conjunction with the Committee, to ensure compliance with the provisions of this section.

1. Such rules and regulations shall require that:
  - a. a contractor submit a utilization plan after bids are opened, when bids are required, or in a contractor's response to an RFP;
  - b. in all cases, prior to the award of a County contract, the County shall review the utilization plan submitted by the contractor within a reasonable period of time, as established by the Director;
  - c. the County notify the contractor in writing within a period of time specified by the Director as to any deficiencies contained in the contractor's utilization plan, as well as the permissible time period within which to cure such deficiencies;
  - d. the contractor submit periodic compliance reports relating to the operation and implementation of any utilization plan; and

- e. the County file a complaint with the Director, or the Committee, in the event a contractor is failing or has failed to comply with the minority- and women-owned business enterprise participation requirements set forth in the County contract and no waiver has been granted pursuant to Subsections E and F of this section.

2. Such rules and regulations shall allow a contractor to:

- a. apply for a partial or total waiver of the minority and women-owned business enterprise participation requirements pursuant to Subsections E and F of this section.
- b. file a complaint with the Director, or the Committee, in the event the County has failed or refused to issue a waiver of the minority and women owned business enterprise participation requirements or has denied such request for a waiver.

C. The rules and regulations promulgated pursuant to this section regarding a utilization plan shall provide that where enterprises have been identified within a utilization plan, a contractor shall use best efforts to utilize such enterprise at least to the extent indicated. The County may require a contractor to indicate, within a utilization plan, what measures and procedures he or she intends to take to comply with the provisions of this article, but may not require, as a condition of award of or compliance with a contract, that a contractor utilize a particular enterprise in performance of the contract.

D. Without limiting other grounds for the disqualification of bids or proposals on the basis of nonresponsibility, the County may disqualify the bid or proposal of a contractor as being nonresponsible for failure to remedy noted deficiencies in the contractor's utilization plan within a period of time specified in regulations promulgated by the Director, in conjunction with the Committee, after receiving notification of such deficiencies from the County. Where failure to remedy any noted deficiency in the utilization plan is a ground for disqualification, that issue and all other grounds for disqualification shall be stated in writing by the County. Where the County states that a failure to remedy any noted deficiency in the utilization plan is a ground for disqualification, the contractor shall be entitled to an administrative hearing, on a record, involving all grounds stated by the County. Such hearing shall be conducted by the appropriate authority of the County to review the determination of disqualification. A final administrative determination made following such hearing shall be reviewable in accordance with law.

E. Where it appears that a contractor, after making its best efforts, cannot comply with the minority and women-owned business enterprise participation requirements set forth in a particular County contract, a contractor may file a written application with the County requesting a partial or total waiver of such requirements setting forth the reasons for the contractor's inability to meet any or all of the participation requirements and an explanation of the efforts undertaken, by the contractor to obtain the required minority and women-owned business enterprise participation. In implementing the provisions of this section, the County shall consider the number and types of minority and women-owned business located in the County, the total dollar value of the County contract, the scope of work to be performed and the project size and term. Based on such considerations, if the County determines there is not a reasonable availability of contractors on the list of certified businesses to furnish services for the project, it shall issue a waiver of compliance to the contractor. In making such determination, the County shall first consider the availability of other business enterprises located in the County and shall thereafter consider the financial ability of certified businesses located in the County to perform the County contract.

F. For purposes of determining if a contractor has used best efforts to comply with the requirements of this section or is entitled to a waiver, the County shall consider:

1. Whether the contractor has advertised in general circulation media, trade association, and minority-focus, women-focus, and in such event:

- a. whether or not certified businesses which have been solicited by the contractor exhibited interest in submitting proposals for a particular project by attending a pre-bid conference; and
  - b. whether certified businesses which have been solicited by the contractor have responded in a timely fashion to the contractor's solicitations for timely competitive bid quotations prior to the County's bid date; and
2. Whether there has been written notification to appropriate certified businesses that appear in the directory of certified businesses prepared pursuant to § 26-5 of this article; and
  3. Whether the contractor can reasonably structure the amount of work to be performed under subcontracts in order to increase the likelihood of participation by certified businesses.

G. In the event that the County fails or refuses to issue a requested waiver to a contractor within 30 days of the application therefor pursuant to Subsection E of this section, or if the County denies such application in whole or in part, the contractor may file a complaint with the Director, or the Committee, setting forth the facts and circumstances giving rise to the contractor's complaint together with a demand for relief. The contractor shall serve a copy of such complaint upon the County by personal service or by certified mail, return receipt requested. The County shall be afforded an opportunity to respond to such in writing.

H. If, after the review of a contractor's utilization plan or review of a periodic compliance report and after such contractor has been afforded an opportunity to respond to a notice of deficiency issued by the County in connection therewith, it appears that a contractor is failing or refusing to comply with minority and women-owned business enterprise participation requirements as set forth in the County contract and where no waiver from such requirements has been granted, the County may file a written complaint with the Director, or the Committee, setting forth the facts and circumstances giving rise to the County's complaint together with a demand for relief. The County shall serve a copy of such complaint upon the contractor by personal service or by certified mail, return receipt requested. The contractor shall be afforded an opportunity to respond to such complaint in writing

#### **§ 26-11. Enforcement**

Upon receipt of a complaint by that a contractor has violated the provisions of a County contract, which have been included to comply with the provisions of this article, the Director, in conjunction with the Committee, shall attempt to resolve the matter giving rise to such complaint within 30 days of receipt of the complaint. If efforts to resolve such matter to the satisfaction of all parties are unsuccessful, the matter shall be immediately referred to the Department of Law for appropriate action, including, but not limited to, withholding payment due under the contract, or cancellation, termination or suspension of the contract in whole or in part.

#### **§ 26-12. Report**

The County Executive, or their designee, shall file a report with the County Legislature no later than April 1st of each year, which details the levels of participation for minority and women-owned business enterprise businesses in County contracts for the prior year. The report shall include the name of each project funded, the total dollars spent for the project, and total dollars spent with minority and women-owned businesses, respectively.

§ 26-13. Severability.

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

Section 3. This local law shall take effect sixty-days after filing with the Secretary of State pursuant to Section 27 of the New York State Municipal Home Rule Law.

\_\_\_\_\_ Committee; \_\_\_\_\_ - CV: \_\_\_\_\_

\_\_\_\_\_ Committee; \_\_\_\_\_ - CV: \_\_\_\_\_

File No. 20-\_\_\_\_.LL

ADOPTION: Date: \_\_\_\_\_

Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF LOCAL LAW: \_\_\_\_\_

By Legislator Flagler-Mitchell and Felder

Intro No. \_\_\_\_\_

MOTION NO. \_\_\_\_\_ OF 2021

**PROVIDING THAT LOCAL LAW (INTRO. NO. \_\_ OF 2021, ENTITLED "GANTT'S LAW FOR UTILIZATION OF MINORITY AND WOMEN-OWNED BUSINESSES," BE AMENDED**

BE IT MOVED, that Local Law (Intro. No. \_\_ of 2021), entitled "GANTT'S LAW FOR UTILIZATION OF MINORITY AND WOMEN-OWNED BUSINESSES," be amended as follows:

Section 2. Part III, Administrative Local Laws of the Administrative Code and Charter of Monroe County, is hereby amended to add a new chapter to include the following Local Law:

**CHAPTER 26, UTILIZATION OF MINORITY AND WOMEN-OWNED BUSINESSES**

§ 26-1. Title.

This chapter shall be known as the "Gantt's Law."

§ 26-2. Legislative Intent.

- A. This Legislature hereby finds and determines that a need exists within the County of Monroe to recognize and encourage the growth of business enterprises that are owned and operated by women and minorities.
- B. This Legislature also finds business enterprises that are owned and operated by women and minorities have struggled to achieve equitable representation in procurement by the County of Monroe.
- C. This Legislature also finds that previous policies enacted by the County of Monroe regarding business enterprises that are owned and operated by women and minorities only pertained to construction activities.
- D. This Legislature also finds that the County's economy will benefit from the utilization by the County of business enterprises that are owned and operated by women and minorities.
- E. This Legislature further finds that both the state and federal governments have instituted programs that facilitate participation in government contracts by business enterprises that are owned and operated by women and minorities.
- F. Therefore, the purpose of this ~~article~~ chapter is to ensure that minority- and women-owned business enterprises have sufficient opportunity to participate both directly and indirectly in contracting opportunities with Monroe County.

§ 26-3. Purpose.

The purpose of this section is to promote and encourage the utilization of minority and women-owned business enterprises in procurement by the County of Monroe and establish clear guidelines for what constitutes a minority and women-owned business enterprise, create a directory of minority and women-owned business enterprises, expand the use of minority and women-owned business enterprises in all areas of County

procurement, institute reporting guidelines, conduct training for minority and women-owned business enterprises, and set new goals for the use of minority and women-owned business enterprises in County procurement.

§ 26-4. Definitions. As used in this section:

A. Certified Business – shall mean a business verified as a minority ~~and/or~~ women-owned business enterprise pursuant to § 26-5 of this ~~article~~ chapter and/or a business certified by New York State pursuant to Article 15-a of the New York State Executive Law.

B. Committee – shall mean the Diversity Action Plan Advisory Committee established in accordance with Resolution 212 of 2020.

C. Contractor – shall mean an individual, a business enterprise, including a sole proprietorship, a partnership, a corporation, ~~a not-for-profit corporation,~~ or any other party to a County contract, or a bidder in conjunction with the award of a County contract or a proposed party to a County contract.

D. County – shall mean any County department; or any agency, division, board, office, elected official, commission or bureau of the County or of any County department.

E. County Contract – shall mean:

- ~~1. a written agreement or purchase order instrument, providing~~ purchase contracts, including contracts for a total expenditure service work, let by the County in excess of fifteen ~~twenty~~ thousand dollars, whereby the County is committed to expend or does expend funds in return.
- ~~1. Contracts for labor, services, supplies, equipment, materials or any combination of the foregoing, to be performed for, or rendered or furnished to public works let by the County;~~
- ~~2. a written agreement in excess of sixty thousand dollars whereby,~~
- ~~2.3. Contracts for professional services let by the County is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon in excess of twenty thousand dollars.~~

For the purposes of this section: (1) the term "services" "service" shall not include banking relationships, the issuance of insurance policies or contracts, or contracts with the County for the sale of bonds, notes or other securities; and (2) the term "contract" shall not include contracts or other agreements with a municipal corporation, school district, district corporation, board of cooperative educational services, utility, not-for-profit corporation, or publicly traded company.

F. Director – shall mean the Director of Diversity, Equity and Inclusion – Chief Diversity Officer.

G. Minority Group Members – shall mean a United States citizen or permanent resident alien who has and can demonstrate membership in one of the following groups:

- a. Black persons having origins in any of the Black African racial groups;
- b. Hispanic persons of Mexican, Puerto Rican, Dominican, Cuban, Central or South American ~~Descent~~ descent of either Indian or Hispanic origin, regardless of race;

- c. Native American or Alaskan native persons having origins in any of the original peoples of North America;
- d. Asian and Pacific Islander persons having origins in any of the Far East countries, South East Asia, the Indian subcontinent or the Pacific Islands.

H. ~~Minority-Owned Business Enterprise~~ – shall mean a business enterprise, including a sole proprietorship, partnership, limited liability company, or corporation that is:

- 1. at least fifty-one percent owned by one or more minority group members;
- 2. an enterprise in which such minority ownership is real, substantial, and continuing;
- 3. an enterprise in which such minority ownership has and exercises the authority to control independently the day-to-day business decisions of the enterprise; and
- 4. an enterprise authorized to do business in the State of New York state and independently owned and operated.

I. Office – shall mean the Monroe County Department of Diversity, Equity and Inclusion.

J. ~~Subcontract~~ - shall mean an agreement ~~providing for a total expenditure in excess of fifteen thousand dollars for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon~~ between a contractor and any individual or business enterprise, including a sole proprietorship, partnership, ~~corporation~~ limited liability company, or ~~not for profit~~ corporation, in which a portion of a contractor's obligation under a County contract is undertaken or assumed, but shall not include any construction, demolition, replacement, major repair, renovation, planning or design of real property or improvements thereon for the beneficial use of the contractor.

K. Utilization Plan - shall mean a plan prepared by a contractor and submitted in connection with a proposed County contract. The utilization plan shall identify certified ~~minority and women-owned business enterprise~~ businesses, if known, that have committed to perform work in connection with the proposed County contract as well as any such ~~enterprises~~ certified businesses, if known, which the contractor intends to use in connection with the contractor's performance of the proposed County contract. The plan shall specifically contain a list, including the name, address and telephone number, of each certified ~~enterprise~~ business with which the contractor intends to subcontract.

L. Women-Owned Business Enterprise – shall mean a business enterprise, including a sole ~~Proprietorship~~ proprietorship, partnership, limited liability company, or corporation that is:

- 1. at least fifty-one percent owned by one or more United States citizens or permanent resident aliens who are women;
- 2. an enterprise in which the ownership interest of such women is real, substantial, and continuing;
- 3. an enterprise in which such women ownership has and exercises the authority to control independently the day-to-day business decisions of the enterprise; and
- 4. an enterprise authorized to do business in the State of New York state and independently owned and operated.

§ 26-5. Certification.

A. The Director, in ~~conjunction~~consultation with the Committee, shall promulgate rules and regulations providing for the establishment of a ~~Countywide~~County-wide certification program, including rules and regulations governing the approval, denial, or revocation of any such certification. ~~Such rules and regulations shall include, but not be limited to, such matters as may be required to ensure that the established procedures thereunder shall at least be in compliance with the code of fair procedure set forth in § 73 of the New York Civil Rights Law. The Director shall accept all businesses having or awaiting certification by a state agency.~~

B. For the purposes of this ~~article~~chapter, the Office shall be responsible for verifying businesses ~~applying for or certified under the County-wide certification program~~ as being owned, operated, and controlled by minority group members or women and for certifying such verified businesses ~~or may refer such process to an appropriate state agency.~~ The Director shall prepare a directory of certified businesses for use by the County and contractors in carrying out the provisions of this ~~article~~chapter. The Director shall periodically update the directory and make it publically available on the County's website. In the event a business certified under the County-wide certification program ceases to qualify as a minority- and/or women-owned business, the Office shall revoke its certification and send written notice of such revocation to the business.

C. Following application for certification pursuant to this section, the Director shall provide the applicant with written notice of the status of the application, including notice of any outstanding deficiencies, within 30 days. Within 60 days of submission of a final, completed application, the Director shall provide the applicant with written notice of a determination by the Office approving or denying such certification and, in the event of a denial, a statement setting forth the reasons for such denial.

~~G.D.~~ Upon a determination denying or revoking certification, the business enterprise for which certification has been so denied or revoked shall, upon written request made within 30 days from receipt of notice of such determination, be entitled to a hearing before the Committee. The business enterprise shall serve a copy of such request upon the Director and the Committee by personal service or by certified mail, return receipt requested. In the event that a request for a hearing is not made within such thirty-day period, such determination shall be deemed to be final. The Committee shall conduct a hearing and, upon the conclusion of such hearing, issue a written recommendation to the Director to affirm, reverse, or modify such determination of the ~~Director~~Office. Such written recommendation shall be issued to the applicant and the Director. The Director, within 30 days, shall, by order, accept, reject, or modify such recommendation of the Committee and set forth in writing the reasons therefor. The Director shall serve a copy of such order and reasons therefor upon the business enterprise by personal service or by certified mail, return receipt requested.

§ 26-6. Annual Workshop

The Office shall hold an annual workshop for potential minority and women-owned business enterprise applicants and certified businesses; for the purpose of educating and informing participants about the County's procurement processes and reviewing upcoming procurement opportunities, including; but not limited to the Capital Improvement Plan. The workshop shall include all relevant information to allow potential bidders to understand, navigate, and compete in the County's procurement process.

§ 26-7. Goals

The County hereby sets the following goals effective as of January 1, 2022, for ~~insuring~~ensuring the full and equitable participation of minority and women-owned business enterprises:

A. the County shall have a ~~level of participation~~ goal of twelve (12) percent ~~for minority-owned~~



~~business enterprises~~ of the total value of County contracts in a given year for minority-owned business enterprises that are certified businesses;

B. the County shall have a ~~level of participation goal of three (3) percent for women-owned business enterprises~~ of the total value of County contracts in a given year for women-owned business enterprises that are certified businesses; and

C. the above stated goals shall coincide with the County's good faith efforts to utilize local labor and create local jobs through County contracts.

§ 26-8. **Equal Employment Opportunities for Minority Group Members and Women-**

A. All County contracts and all documents soliciting bids or proposals for County contracts shall contain or make reference to the following provisions as a condition of entering into a County contract:

1. the contractor shall not discriminate against employees or applicants for employment because of race, creed, color, national origin, sex, age, disability, sexual orientation, military status, or marital status, and will undertake or continue taking steps to ensure that minority group members and women are afforded equal employment opportunities without discrimination. For purposes of this ~~article~~ chapter, such steps shall include recruitment, employment, job assignments, promotion, upgrading, demotion, transfer, layoff, or termination and rates of pay or other forms of compensation;
2. at the request of the County, the contractor shall request each employment agency, labor union, or authorized representative of workers with which it has a collective bargaining or other agreement or understanding to furnish a written statement that such employment agency, labor union, or representative will not discriminate on the basis of race, creed, color, national origin, sex, age, disability, sexual orientation, military status, or marital status and that such union or representative will affirmatively cooperate in the implementation of the contractor's obligations herein; and
3. the contractor shall state, in all solicitations or advertisements for employees, that, in the performance of the County contract, all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability, sexual orientation, military status, or marital status.

B. The contractor shall include the provisions of Subsection A of this section in every subcontract in such a manner that the provisions will be binding upon each subcontractor as to all work done in connection with the County contract.

C. The provisions of this section shall not be binding upon contractors or subcontractors in the performance of work or the provision of services or any other activities that are unrelated, separate, or distinct from the County contract as expressed by its terms.

D. In the implementation of this section, the County shall consider whether compliance by a contractor or subcontractor with the requirements of any federal and state law concerning equal employment opportunity, ~~which~~ effectuates the purposes of this section. The County shall determine whether the imposition of the requirements of the provisions hereof duplicate or conflict with any such law, and if such duplication or conflict exists, the County shall waive the applicability of this section to the extent of such duplication or conflict.

§ 26-9. **Requirements**

A. The Director, in ~~conjunction~~consultation with the Committee, shall promulgate rules and regulations that provide measures and procedures to ensure that certified businesses shall be given the opportunity for meaningful participation in the performance of County contracts. Such rules shall require the County to identify those County contracts for which certified businesses are most likely to be available and may set forth additional requirements for outreach to minority ~~businesses~~ and women-owned business enterprises particularly with regard to such contracts. Nothing in the provisions of this ~~article~~chapter shall be construed to limit the ability of any certified business to bid on any contract.

~~B. The County shall include or require to be included with respect to County contracts for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon, requests for proposals (RFPs), and any other applicable County contracts, such provisions as may be necessary to effectuate the provisions of this article, including but not limited to provisions:~~

- ~~1. requiring contractors to use best efforts to solicit active participation by enterprises identified in the directory of certified businesses provided to the County by the Office; and~~
- ~~2. requiring the parties to agree, as a condition of entering into such contract, to be bound by the provisions of § 26-8 of this article; provided, however, that no such provisions shall be binding upon contractors or in the performance of work or the provision of services that are unrelated, separate or distinct from the County contract as expressed by its terms, and nothing in this section shall authorize the Director or any contracting agency to impose any requirement on a contractor except with respect to a County contract.~~

~~C.B.~~ All requests for proposals, requests for qualifications, and expressions of interest issued by the County ~~for County contracts~~ shall include approach to minority and women-owned business enterprise utilization in the selection criteria, and shall state that minority and women-owned business enterprise utilization will be used as selection criteria and rated in compliance with the Monroe County Department of Finance - Division of Purchasing and Central Service's Procedure for Service Contracts.

~~D.C.~~ In the implementation of this section, the County shall consider whether compliance with the requirements of any federal or state law concerning opportunities for minority and women-owned business enterprises ~~which effectuate~~effectuates the purpose of this section. The County shall determine whether the imposition of the requirements of any such law duplicate or conflict with the provisions hereof, and if such duplication or conflict exists, the County may waive the applicability of this ~~article~~chapter to the extent of such duplication or conflict.

**§ 26-10. Rules for Utilization of Subcontractors:**

A. The Director, in ~~conjunction~~consultation with the Committee, shall promulgate rules and regulations requiring that all contractors use best efforts to achieve participation in subcontracting, when applicable, by minority and women-owned business enterprises in accordance with goals set by § 26-7 to enhance opportunity for minority and women-owned businesses to reflect the percentage of minority and women-owned businesses available to perform such work.

B. The County shall administer the rules and regulations promulgated by the Director, in ~~conjunction~~consultation with the Committee, to ensure compliance with the provisions of this section. Such rules and regulations shall require that, when it is in the County's interest to permit subcontracting:

- ~~1. Such rules and regulations shall require that:~~

1. contractors shall use best efforts to solicit active participation by enterprises identified in the directory of certified businesses provided to the County by the Director;

~~a.2.~~ a contractor shall submit a utilization plan after bids are opened, when bids are required, or in a contractor's response to an RFP;

~~b.3.~~ in all cases, prior to the award of ~~a~~the County contract, the County shall review the utilization plan submitted by the contractor within a reasonable period of time, as established by the Director;

~~e.4.~~ the County shall notify the contractor in writing within a period of time specified by the Director as to any deficiencies contained in the contractor's utilization plan, as well as the permissible time period within which to cure such deficiencies;

~~e.5.~~ the contractor shall submit periodic compliance reports relating to the operation and implementation of any utilization plan; and

~~e.~~ ~~the County file a complaint with the Director, or the Committee, in the event a contractor is failing or has failed to comply with the minority and women owned business enterprise participation requirements set forth in the County contract and no waiver has been granted pursuant to Subsections E and F of this section.~~

2. ~~Such rules and regulations shall allow a contractor to:~~

~~a.~~ ~~apply for a partial or total waiver of the minority and women owned business enterprise participation requirements pursuant to Subsections E and F of this section.~~

~~b.~~ ~~file a complaint with the Director, or the Committee, in the event the County has failed or refused to issue a waiver of the minority and women owned business enterprise participation requirements or has denied such request for a waiver.~~

~~C.6.~~ ~~The rules and regulations promulgated pursuant to this section regarding a utilization plan shall provide that where enterprises~~where certified businesses have been identified within a utilization plan, a contractor shall use best efforts to utilize such ~~enterprise~~certified businesses at least to the extent indicated. The County may require a contractor to indicate, within a utilization plan, what measures and procedures ~~he or she~~it intends to take to comply with the provisions of this article, ~~but may not require, as a condition of award of or compliance with a contract, that a contractor utilize a particular enterprise in performance of the contract~~chapter.

§ 26-11. Disqualification of Bid or Proposal

D. Without limiting other grounds for the disqualification of bids or proposals on the basis of nonresponsiveness and/or nonresponsibility, the County may disqualify the bid or proposal of a contractor as being nonresponsive and/or nonresponsible for failure to provide a utilization plan and/or remedy noted deficiencies in the contractor's utilization plan within a period of time specified in regulations promulgated by the Director, ~~in conjunction with the Committee, after receiving notification of such deficiencies from the County. Where failure to remedy any noted deficiency in the utilization plan is a ground for disqualification, that issue and all other grounds for disqualification shall be stated in writing by the County. Where the County states that a failure to remedy any noted deficiency in the utilization plan is a ground for disqualification, the contractor shall be entitled to an administrative hearing, on a record, involving all grounds stated by the County. Such hearing shall be conducted by the appropriate authority of the County to review the determination of disqualification. A final administrative determination made following such hearing shall be reviewable in~~

~~accordance with law consultation with the Committee, after receiving notification of such failure and/or deficiencies from the County.~~

#### § 26-12. Waiver

~~E. A. Where it appears that a contractor, after making its best efforts, cannot comply with the minority and women-owned business enterprise participation requirements set forth in a particular County contract, a contractor may file a written application with the County Director requesting a partial or total waiver of such requirements setting forth the reasons for the contractor's inability to meet any or all of the participation requirements and an explanation of the efforts undertaken by the contractor to obtain the required minority and women-owned business enterprise participation of certified businesses. In implementing the provisions of this section, the County Director shall consider the number and types of minority and women-owned business certified businesses located in the County, the total dollar value of the County contract, the scope of work to be performed, and the project size and term. Based on such considerations, if the County Director determines there is not a reasonable availability of contractors on the list of certified businesses to furnish services for the project, it shall the Director may issue a waiver of compliance to the contractor. In making such determination, the County shall first consider the availability of other business enterprises located in the County and shall thereafter consider the financial ability of certified businesses located in the County to perform the County contract.~~

~~F. B. For purposes of determining if a contractor has used best efforts to comply with the requirements of this section or is entitled to a waiver, the County Director shall consider:~~

- ~~1. Whether the contractor has advertised in general circulation media, trade association publications, and minority focus, /or publications focused on minorities or women-focus, and in such event:
 
  - ~~a. whether or not certified businesses which have been solicited by the contractor exhibited interest in submitting proposals for a particular project by attending a pre-bid conference; and~~
  - ~~b. whether certified businesses which have been solicited by the contractor have responded in a timely fashion to the contractor's solicitations for timely competitive bid quotations prior to the County's bid date; and~~~~
- ~~2. Whether there has been written notification to appropriate certified businesses that appear in the directory of certified businesses prepared pursuant to § 26-5 of this article chapter; and~~
- ~~3. Whether the contractor can reasonably structure the amount of work to be performed under subcontracts in order to increase the likelihood of participation by certified businesses.~~

~~G. C. In the event that the County Director fails or refuses to issue a requested waiver to a contractor within 30 days of the application therefor pursuant to Subsection E of this section, or if the County Director denies such application in whole or in part, the contractor may file a complaint an appeal with the Director, or the Committee, setting forth the facts and circumstances giving rise to the contractor's complaint together with a demand for relief. appeal. The contractor shall serve a copy of such complaint appeal upon the County Director and the Committee by personal service or by certified mail, return receipt requested. The County Director shall be afforded an opportunity to respond to such the appeal in writing. The Committee shall render its decision on the appeal within 30 days of being served with the appeal.~~

#### § 26-13. Enforcement

~~H. If, after the review of a contractor's utilization plan~~ Upon receipt of a complaint that a contractor has violated this chapter, including but not limited to a failure or review of a periodic compliance report and after such contractor has been afforded an opportunity to respond to a notice of deficiency issued by the County in connection therewith, it appears that a contractor is failing or refusing ~~refusal~~ to comply with minority and women-owned business enterprise participation requirements as set forth in the County contract and where no waiver from such requirements has been granted, the County may file a written complaint with the Director, ~~or the Committee~~, shall send a notice of such deficiency to said contractor setting forth the facts and circumstances giving rise to the County's complaint together with a demand for relief. The County shall serve a copy of such complaint upon the contractor. If the contractor by personal service or by certified mail, return receipt requested. ~~The contractor fails to cure or otherwise address the complaint within fifteen (15) days of receiving notice thereof, the County shall be afforded an opportunity to respond to such complaint in writing~~

~~§ 26-11. Enforcement~~

~~Upon receipt of a complaint by that a contractor has violated the provisions of a County contract, which have been included to comply with the provisions of this article, the Director, in conjunction with the Committee, shall attempt to resolve the matter giving rise to such complaint within 30 days of receipt of the complaint. If efforts to resolve such matter to the satisfaction of all parties are unsuccessful, the matter shall be immediately referred to the Department of Law for appropriate action, including, but not limited to, withholding payment due under the contract, or cancellation, termination or suspension of the right to cancel, terminate, or suspend the contract in whole or in part, and/or seek any other remedy afforded to the County in law or in equity.~~

~~§ 26-12~~ § 26-14. Report

The County Executive, or ~~their~~ designee, shall file a report with the County Legislature no later than April 1st of each year, which details the levels of participation for ~~minority and women-owned business enterprise~~ certified businesses in County contracts for the prior year. The report shall include the name of each ~~project-funded~~ County contract, the total ~~dollars spent~~ paid value for the ~~project~~ each contract, and total dollars spent with minority and women-owned certified businesses, respectively.

~~§ 26-13~~ § 26-15. Severability:

If any clause, sentence, paragraph, section or ~~article~~ chapter of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such determination shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or ~~article~~ chapter thereof directly involved in the proceeding in which such adjudication shall have been rendered. This local law shall not supersede any other state or federal laws, rules, or contractual obligations that exceed the goals set forth under § 26-7.

Agenda/Charter Committee – Discharged to Legislature  
File No. 20-0340.LL

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_



**ATTACHMENTS:**

	<b>Description</b>	<b>File Name</b>	<b>Type</b>
▢	<b>Referral</b>	<b>R20-0340.pdf</b>	<b>Referral Letter</b>
▢	<b>Resolution</b>	<b>ITEM_15.pdf</b>	<b>Resolution</b>



# Monroe County Legislature

## Black and Asian Democratic Caucus

Calvin Lee, Jr  
LEGISLATOR – District 25

Sabrina LaMar  
LEGISLATOR – District 27

Frank Keophtlasy  
LEGISLATOR – District 28

Ernest Flagler-Mitchell  
LEGISLATOR – District 29

October 26, 2020

To the Honorable  
Monroe County Legislature  
39 West Main Street  
Rochester, NY 14614

LEGISLATOR – District 29
<b>OFFICIAL FILE COPY</b>
No. <u>200340</u>
Not to be removed from the Office of the Legislature Of Monroe County
Committee Assignment
<b>AGENDA/CHARTER -L</b>

**RE: Enact a Local Law Entitled “Gantt’s Law for Utilization of Minority and Women-Owned Businesses”**

Honorable Legislators:

Over the years, minority and women-owned business enterprises have struggled to achieve equitable representation in County procurement. Although Monroe County has made good-faith efforts to hold itself to the state and federal guidelines for minority and women-owned business enterprises, there seems to be a lack of follow-through, especially in the area of professional service contracts.

In 2020 alone, this Honorable Body has undertaken several legislative initiatives to expand and promote diversity in County government, including the Diversity Action Plan, which seeks to encourage diverse representation in all County Departments. However, achieving diversity in the County’s workforce is only one part of diversifying County operations. With an over \$1 billion dollar budget, Monroe County must also achieve diversity in the money it spend on contracts.

Monroe County must facilitate the elimination of discrimination and racism while providing opportunities to minority and women-owned business enterprises. Monroe County needs to be the leader in the community by taking an active approach to promote opportunities for minority and women-owned business enterprises to bid on County projects and participate in procurement. The County Executive must actively be working with the Chief Diversity Officer, Division of Purchasing and Central Services, and newly created Diversity Action Plan Advisory Committee to ensure that these opportunities are being presented, and that the County is promoting inclusivity in all facets.

Therefore, in the interest of promoting diversity in Monroe County government, we recommend that this Honorable Body enact a Local Law entitled “Gantt’s Law for Utilization of Minority and Women-Owned Businesses.” The purpose of this Local Law is to establish clear guidelines for what constitutes a minority and women-owned business enterprise, create a directory of minority and women-owned business enterprises for use by the County and contractors, expand the use of minority and women-owned business enterprises in all areas of County procurement, institute reporting guidelines, conduct training for minority and women-owned business enterprises, and set new goals for the use of minority and women-owned business enterprises in County procurement.

Much of the language used in this proposed local law was adapted from best practices already established by the State of New York, Suffolk County, and Erie County.

**The specific legislative actions required are:**

1. Schedule and hold a public hearing on the proposed local law.
2. Enact a Local Law entitled "Gantt's Law for Utilization of Minority and Women-Owned Businesses."

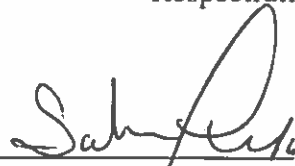
This is a Type II Action pursuant to 6 NYCRR 617.5(c) and is not subject to review under the State Environmental Quality Review Act.

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

Respectfully Submitted,



Calvin Lee, Jr  
County Legislator  
District 25 - Rochester



Sabrina LaMar  
County Legislator  
District 27 - Rochester



Frank Keophewasy  
County Legislator  
District 28 - Rochester



Ernest Flagler-Mitchell  
County Legislator  
District 29 - Rochester



By Legislators \_\_\_\_\_ and \_\_\_\_\_

Intro No. \_\_\_\_\_

LOCAL LAW NO. \_\_\_\_ OF 2020

**ENACT A LOCAL LAW ENTITLED “GANTT’S LAW FOR UTILIZATION OF MINORITY AND WOMEN-OWNED BUSINESSES”**

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. Resolutions 240 of 2014 and 69 of 1989 are hereby rescinded.

Section 2. Part III, Administrative Local Laws of the Administrative Code and Charter of Monroe County, is hereby amended to add a new chapter to include the following Local Law:

**CHAPTER 26, UTILIZATION OF MINORITY AND WOMEN-OWNED BUSINESSES**

**§ 26-1. Title.**

This chapter shall be known as the “Gantt’s Law.”

**§ 26-2. Legislative Intent.**

- A. This Legislature hereby finds and determines that a need exists within the County of Monroe to recognize and encourage the growth of business enterprises that are owned and operated by women and minorities.
- B. This Legislature also finds business enterprises that are owned and operated by women and minorities have struggled to achieve equitable representation in procurement by the County of Monroe.
- C. This Legislature also finds that previous policies enacted by the County of Monroe regarding business enterprises that are owned and operated by women and minorities only pertained to construction activities.
- D. This Legislature also finds that the County's economy will benefit from the utilization by the County of business enterprises that are owned and operated by women and minorities.
- E. This Legislature further finds that both the state and federal governments have instituted programs that facilitate participation in government contracts by business enterprises that are owned and operated by women and minorities.
- F. Therefore, the purpose of this article is to ensure that minority- and women-owned business enterprises have sufficient opportunity to participate both directly and indirectly in contracting opportunities with Monroe County.

§ 26-3. **Purpose.**

The purpose of this section is to promote and encourage the utilization of minority and women-owned business enterprises in procurement by the County of Monroe and establish clear guidelines for what constitutes a minority and women-owned business enterprise, create a directory of minority and women-owned business enterprises, expand the use of minority and women-owned business enterprises in all areas of County procurement, institute reporting guidelines, conduct training for minority and women-owned business enterprises, and set new goals for the use of minority and women-owned business enterprises in County procurement.

§ 26-4. **Definitions.** As used in this section:

A. **Certified Business** – shall mean a business verified as a minority and women-owned business enterprise pursuant to § 26-5 of this article.

B. **Committee** – shall mean the Diversity Action Plan Advisory Committee established in accordance with Resolution 212 of 2020.

C. **Contractor** – shall mean an individual, a business enterprise, including a sole proprietorship, a partnership, a corporation, a not-for-profit corporation, or any other party to a County contract, or a bidder in conjunction with the award of a County contract or a proposed party to a County contract.

D. **County** – shall mean any County department; or any agency, division, board, office, elected official, commission or bureau of the County or of any County department.

E. **County Contract** – shall mean:

1. a written agreement or purchase order instrument, providing for a total expenditure in excess of fifteen thousand dollars, whereby the County is committed to expend or does expend funds in return for labor, services, supplies, equipment, materials or any combination of the foregoing, to be performed for, or rendered or furnished to the County;
2. a written agreement in excess of sixty thousand dollars whereby the County is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon.

For the purposes of this section, the term "services" shall not include banking relationships, the issuance of insurance policies or contracts, or contracts with the County for the sale of bonds, notes or other securities.

F. **Director** – shall mean the Director of Diversity, Equity and Inclusion – Chief Diversity Officer.

G. **Minority Group Members** – shall mean a United States citizen or permanent resident alien who has and can demonstrate membership in one of the following groups:

- a. Black persons having origins in any of the Black African racial groups;
- b. Hispanic persons of Mexican, Puerto Rican, Dominican, Cuban, Central or South American Descent of either Indian or Hispanic origin, regardless of race;
- c. Native American or Alaskan native persons having origins in any of the original peoples of North America;

- d. Asian and Pacific Islander persons having origins in any of the Far East countries, South East Asia, the Indian subcontinent or the Pacific Islands.

H. Minority-Owned Business Enterprise – shall mean a business enterprise, including a sole proprietorship, partnership or corporation that is:

1. at least fifty-one percent owned by one or more minority group members;
2. an enterprise in which such minority ownership is real, substantial and continuing;
3. an enterprise in which such minority ownership has and exercises the authority to control independently the day-to-day business decisions of the enterprise; and
4. an enterprise authorized to do business in the State of New York state and independently owned and operated.

I. Office – shall mean the Monroe County Department of Diversity, Equity and Inclusion.

J. Subcontract - shall mean an agreement providing for a total expenditure in excess of fifteen thousand dollars for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon between a contractor and any individual or business enterprise, including a sole proprietorship, partnership, corporation, or not-for-profit corporation, in which a portion of a contractor's obligation under a County contract is undertaken or assumed, but shall not include any construction, demolition, replacement, major repair, renovation, planning or design of real property or improvements thereon for the beneficial use of the contractor.

K. Utilization Plan - shall mean a plan prepared by a contractor and submitted in connection with a proposed County contract. The utilization plan shall identify certified minority and women-owned business enterprises, if known, that have committed to perform work in connection with the proposed County contract as well as any such enterprises, if known, which the contractor intends to use in connection with the contractor's performance of the proposed County contract. The plan shall specifically contain a list, including the name, address and telephone number, of each certified enterprise with which the contractor intends to subcontract.

L. Women-Owned Business Enterprise – shall mean a business enterprise, including a sole Proprietorship, partnership or corporation that is:

1. at least fifty-one percent owned by one or more United States citizens or permanent resident aliens who are women;
2. an enterprise in which the ownership interest of such women is real, substantial and continuing;
3. an enterprise in which such women ownership has and exercises the authority to control independently the day-to-day business decisions of the enterprise; and
4. an enterprise authorized to do business in the State of New York state and independently owned and operated.

**§ 26-5. Certification.**

A. The Director, in conjunction with the Committee, shall promulgate rules and regulations providing for the establishment of a Countywide certification program, including rules and regulations governing the approval, denial or revocation of any such certification. Such rules and regulations shall include, but not be limited to, such matters as may be required to ensure that the established procedures thereunder shall at least be in compliance with the code of fair procedure set forth in § 73 of the New York Civil Rights Law. The Director shall accept all businesses having or awaiting certification by a state agency.

B. For the purposes of this article, the Office shall be responsible for verifying businesses as being owned, operated, and controlled by minority group members or women and for certifying such verified businesses or may refer such process to an appropriate state agency. The Director shall prepare a directory of certified businesses for use by the County and contractors in carrying out the provisions of this article. The Director shall periodically update the directory and make it publically available on the County's website.

C. Following application for certification pursuant to this section, the Director shall provide the applicant with written notice of the status of the application, including notice of any outstanding deficiencies, within 30 days. Within 60 days of submission of a final completed application, the Director shall provide the applicant with written notice of a determination by the Office approving or denying such certification and, in the event of a denial, a statement setting forth the reasons for such denial. Upon a determination denying or revoking certification, the business enterprise for which certification has been so denied or revoked shall, upon written request made within 30 days from receipt of notice of such determination, be entitled to a hearing before the Committee. In the event that a request for a hearing is not made within such thirty-day period, such determination shall be deemed to be final. The Committee shall conduct a hearing and, upon the conclusion of such hearing, issue a written recommendation to the Director to affirm, reverse or modify such determination of the Director. Such written recommendation shall be issued to the applicant and the Director. The Director, within 30 days, shall, by order, accept, reject or modify such recommendation of the Committee and set forth in writing the reasons therefor. The Director shall serve a copy of such order and reasons therefor upon the business enterprise by personal service or by certified mail, return receipt requested.

**§ 26-6. Annual Workshop**

The Office shall hold an annual workshop for potential minority and women-owned business enterprise applicants and certified businesses, for the purpose of educating and informing participants about the County's procurement processes and reviewing upcoming procurement opportunities including, but not limited to the Capital Improvement Plan. The workshop shall include all relevant information to allow potential bidders to understand, navigate, and compete in the County's procurement process.

**§ 26-7. Goals**

The County hereby sets the following goals for insuring the full and equitable participation minority and women-owned business enterprises:

A. the County shall have a level of participation goal of twelve (12) percent for minority-owned business enterprises of the total value of County contracts in a given year;

B. the County shall have a level of participation goal of three (3) percent for women-owned business enterprises of the total value of County contracts in a given year; and

C. the above stated goals shall coincide with the County's good faith efforts to utilize local labor and create local jobs through County contracts.

**§ 26-8. Equal Employment Opportunities for Minority Group Members and Women.**

A. All County contracts and all documents soliciting bids or proposals for County contracts shall contain or make reference to the following provisions:

1. the contractor shall not discriminate against employees or applicants for employment because of race, creed, color, national origin, sex, age, disability, sexual orientation, military status, or marital status, and will undertake or continue taking steps to ensure that minority group members and women are afforded equal employment opportunities without discrimination. For purposes of this article, such steps shall include recruitment, employment, job assignments, promotion, upgrading, demotion, transfer, layoff, or termination and rates of pay or other forms of compensation;
2. at the request of the County, the contractor shall request each employment agency, labor union, or authorized representative of workers with which it has a collective bargaining or other agreement or understanding to furnish a written statement that such employment agency, labor union, or representative will not discriminate on the basis of race, creed, color, national origin, sex, age, disability, sexual orientation, military status, or marital status and that such union or representative will affirmatively cooperate in the implementation of the contractor's obligations herein; and
3. the contractor shall state, in all solicitations or advertisements for employees, that, in the performance of the County contract, all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability, sexual orientation, military status, or marital status.

B. The contractor shall include the provisions of Subsection A of this section in every subcontract in such a manner that the provisions will be binding upon each subcontractor as to all work done in connection with the County contract.

C. The provisions of this section shall not be binding upon contractors or subcontractors in the performance of work or the provision of services or any other activities that are unrelated, separate, or distinct from the County contract as expressed by its terms.

D. In the implementation of this section, the County shall consider compliance by a contractor or subcontractor with the requirements of any federal and state law concerning equal employment opportunity, which effectuates the purposes of this section. The County shall determine whether the imposition of the requirements of the provisions hereof duplicate or conflict with any such law, and if such duplication or conflict exists, the County shall waive the applicability of this section to the extent of such duplication or conflict.

**§ 26-9. Requirements**

A. The Director, in conjunction with the Committee, shall promulgate rules and regulations that provide measures and procedures to ensure that certified businesses shall be given the opportunity for meaningful participation in the performance of County contracts. Such rules shall require the County to identify those County contracts for which certified businesses are most likely to be available and may set forth additional requirements for outreach to minority businesses particularly with regard to such contracts. Nothing in the provisions of this article shall be construed to limit the ability of any certified business to bid on any contract.

B. The County shall include or require to be included with respect to County contracts for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon, requests for proposals (RFPs), and any other applicable County contracts, such provisions as may be necessary to effectuate the provisions of this article, including but not limited to provisions:

1. requiring contractors to use best efforts to solicit active participation by enterprises identified in the directory of certified businesses provided to the County by the Office; and
2. requiring the parties to agree, as a condition of entering into such contract, to be bound by the provisions of § 26-8 of this article; provided, however, that no such provisions shall be binding upon contractors or in the performance of work or the provision of services that are unrelated, separate or distinct from the County contract as expressed by its terms, and nothing in this section shall authorize the Director or any contracting agency to impose any requirement on a contractor except with respect to a County contract.

C. All requests for proposals, requests for qualifications, and expressions of interest issued by the County shall include approach to minority and women-owned business enterprise utilization in the selection criteria, and shall state that minority and women-owned business enterprise utilization will be used as selection criteria and rated in compliance with the Monroe County Department of Finance - Division of Purchasing and Central Service's Procedure for Service Contracts.

D. In the implementation of this section, the County shall consider compliance with the requirements of any federal or state law concerning opportunities for minority and women-owned business enterprises which effectuate the purpose of this section. The County shall determine whether the imposition of the requirements of any such law duplicate or conflict with the provisions hereof, and if such duplication or conflict exists, the County may waive the applicability of this article to the extent of such duplication or conflict.

#### § 26-10. Rules for Utilization of Subcontractors.

A. The Director, in conjunction with the Committee, shall promulgate rules and regulations requiring that all contractors use best efforts to achieve participation in subcontracting by minority and women-owned business enterprises in accordance with goals set by § 26-7 to enhance opportunity for minority and women-owned businesses to reflect the percentage of minority and women-owned businesses available to perform such work.

B. The County shall administer the rules and regulations promulgated by the Director, in conjunction with the Committee, to ensure compliance with the provisions of this section.

1. Such rules and regulations shall require that:
  - a. a contractor submit a utilization plan after bids are opened, when bids are required, or in a contractor's response to an RFP;
  - b. in all cases, prior to the award of a County contract, the County shall review the utilization plan submitted by the contractor within a reasonable period of time, as established by the Director;
  - c. the County notify the contractor in writing within a period of time specified by the Director as to any deficiencies contained in the contractor's utilization plan, as well as the permissible time period within which to cure such deficiencies;
  - d. the contractor submit periodic compliance reports relating to the operation and implementation of any utilization plan; and

- e. the County file a complaint with the Director, or the Committee, in the event a contractor is failing or has failed to comply with the minority- and women-owned business enterprise participation requirements set forth in the County contract and no waiver has been granted pursuant to Subsections E and F of this section.

2. Such rules and regulations shall allow a contractor to:

- a. apply for a partial or total waiver of the minority and women-owned business enterprise participation requirements pursuant to Subsections E and F of this section.
- b. file a complaint with the Director, or the Committee, in the event the County has failed or refused to issue a waiver of the minority and women owned business enterprise participation requirements or has denied such request for a waiver.

C. The rules and regulations promulgated pursuant to this section regarding a utilization plan shall provide that where enterprises have been identified within a utilization plan, a contractor shall use best efforts to utilize such enterprise at least to the extent indicated. The County may require a contractor to indicate, within a utilization plan, what measures and procedures he or she intends to take to comply with the provisions of this article, but may not require, as a condition of award of or compliance with a contract, that a contractor utilize a particular enterprise in performance of the contract.

D. Without limiting other grounds for the disqualification of bids or proposals on the basis of nonresponsibility, the County may disqualify the bid or proposal of a contractor as being nonresponsible for failure to remedy noted deficiencies in the contractor's utilization plan within a period of time specified in regulations promulgated by the Director, in conjunction with the Committee, after receiving notification of such deficiencies from the County. Where failure to remedy any noted deficiency in the utilization plan is a ground for disqualification, that issue and all other grounds for disqualification shall be stated in writing by the County. Where the County states that a failure to remedy any noted deficiency in the utilization plan is a ground for disqualification, the contractor shall be entitled to an administrative hearing, on a record, involving all grounds stated by the County. Such hearing shall be conducted by the appropriate authority of the County to review the determination of disqualification. A final administrative determination made following such hearing shall be reviewable in accordance with law.

E. Where it appears that a contractor, after making its best efforts, cannot comply with the minority and women-owned business enterprise participation requirements set forth in a particular County contract, a contractor may file a written application with the County requesting a partial or total waiver of such requirements setting forth the reasons for the contractor's inability to meet any or all of the participation requirements and an explanation of the efforts undertaken, by the contractor to obtain the required minority and women-owned business enterprise participation. In implementing the provisions of this section, the County shall consider the number and types of minority and women-owned business located in the County, the total dollar value of the County contract, the scope of work to be performed and the project size and term. Based on such considerations, if the County determines there is not a reasonable availability of contractors on the list of certified businesses to furnish services for the project, it shall issue a waiver of compliance to the contractor. In making such determination, the County shall first consider the availability of other business enterprises located in the County and shall thereafter consider the financial ability of certified businesses located in the County to perform the County contract.

F. For purposes of determining if a contractor has used best efforts to comply with the requirements of this section or is entitled to a waiver, the County shall consider:

1. Whether the contractor has advertised in general circulation media, trade association, and minority-focus, women-focus, and in such event:

- a. whether or not certified businesses which have been solicited by the contractor exhibited interest in submitting proposals for a particular project by attending a pre-bid conference; and
  - b. whether certified businesses which have been solicited by the contractor have responded in a timely fashion to the contractor's solicitations for timely competitive bid quotations prior to the County's bid date; and
2. Whether there has been written notification to appropriate certified businesses that appear in the directory of certified businesses prepared pursuant to § 26-5 of this article; and
  3. Whether the contractor can reasonably structure the amount of work to be performed under subcontracts in order to increase the likelihood of participation by certified businesses.

G. In the event that the County fails or refuses to issue a requested waiver to a contractor within 30 days of the application therefor pursuant to Subsection E of this section, or if the County denies such application in whole or in part, the contractor may file a complaint with the Director, or the Committee, setting forth the facts and circumstances giving rise to the contractor's complaint together with a demand for relief. The contractor shall serve a copy of such complaint upon the County by personal service or by certified mail, return receipt requested. The County shall be afforded an opportunity to respond to such in writing.

H. If, after the review of a contractor's utilization plan or review of a periodic compliance report and after such contractor has been afforded an opportunity to respond to a notice of deficiency issued by the County in connection therewith, it appears that a contractor is failing or refusing to comply with minority and women-owned business enterprise participation requirements as set forth in the County contract and where no waiver from such requirements has been granted, the County may file a written complaint with the Director, or the Committee, setting forth the facts and circumstances giving rise to the County's complaint together with a demand for relief. The County shall serve a copy of such complaint upon the contractor by personal service or by certified mail, return receipt requested. The contractor shall be afforded an opportunity to respond to such complaint in writing

#### **§ 26-11. Enforcement**

Upon receipt of a complaint by that a contractor has violated the provisions of a County contract, which have been included to comply with the provisions of this article, the Director, in conjunction with the Committee, shall attempt to resolve the matter giving rise to such complaint within 30 days of receipt of the complaint. If efforts to resolve such matter to the satisfaction of all parties are unsuccessful, the matter shall be immediately referred to the Department of Law for appropriate action, including, but not limited to, withholding payment due under the contract, or cancellation, termination or suspension of the contract in whole or in part.

#### **§ 26-12. Report**

The County Executive, or their designee, shall file a report with the County Legislature no later than April 1st of each year, which details the levels of participation for minority and women-owned business enterprise businesses in County contracts for the prior year. The report shall include the name of each project funded, the total dollars spent for the project, and total dollars spent with minority and women-owned businesses, respectively.



§ 26-13. Severability.

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

Section 3. This local law shall take effect sixty-days after filing with the Secretary of State pursuant to Section 27 of the New York State Municipal Home Rule Law.

\_\_\_\_\_ Committee; \_\_\_\_\_ - CV: \_\_\_\_\_

\_\_\_\_\_ Committee; \_\_\_\_\_ - CV: \_\_\_\_\_

File No. 20-\_\_\_\_.LL

ADOPTION: Date: \_\_\_\_\_

Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF LOCAL LAW: \_\_\_\_\_

18.

By Legislators Flagler-Mitchell and Felder

Intro. No. \_\_\_\_\_

MOTION NO. \_\_\_\_\_ OF 2021

**PROVIDING THAT LOCAL LAW (INTRO. NO. \_\_ OF 2021), ENTITLED "GANTT'S LAW FOR UTILIZATION OF MINORITY AND WOMEN-OWNED BUSINESSES," BE TABLED**

BE IT MOVED, that Local Law (Intro. No. \_\_\_\_\_ of 2021), entitled "GANTT'S LAW FOR UTILIZATION OF MINORITY AND WOMEN-OWNED BUSINESSES," be tabled.

File No. 20-0340.LL

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_



**ATTACHMENTS:**

	<b>Description</b>	<b>File Name</b>	<b>Type</b>
▢	<b>Referral</b>	<b>R20-0340.pdf</b>	<b>Referral Letter</b>
▢	<b>Resolution</b>	<b>ITEM_16.pdf</b>	<b>Resolution</b>



# Monroe County Legislature

## Black and Asian Democratic Caucus

Calvin Lee, Jr  
LEGISLATOR – District 25

Sabrina LaMar  
LEGISLATOR – District 27

Frank Keophtlasy  
LEGISLATOR – District 28

Ernest Flagler-Mitchell  
LEGISLATOR – District 29

October 26, 2020

To the Honorable  
Monroe County Legislature  
39 West Main Street  
Rochester, NY 14614

LEGISLATOR – District 29
<b>OFFICIAL FILE COPY</b>
No. <u>200340</u>
Not to be removed from the Office of the Legislature Of Monroe County
Committee Assignment
<b>AGENDA/CHARTER -L</b>

**RE: Enact a Local Law Entitled “Gantt’s Law for Utilization of Minority and Women-Owned Businesses”**

Honorable Legislators:

Over the years, minority and women-owned business enterprises have struggled to achieve equitable representation in County procurement. Although Monroe County has made good-faith efforts to hold itself to the state and federal guidelines for minority and women-owned business enterprises, there seems to be a lack of follow-through, especially in the area of professional service contracts.

In 2020 alone, this Honorable Body has undertaken several legislative initiatives to expand and promote diversity in County government, including the Diversity Action Plan, which seeks to encourage diverse representation in all County Departments. However, achieving diversity in the County’s workforce is only one part of diversifying County operations. With an over \$1 billion dollar budget, Monroe County must also achieve diversity in the money it spend on contracts.

Monroe County must facilitate the elimination of discrimination and racism while providing opportunities to minority and women-owned business enterprises. Monroe County needs to be the leader in the community by taking an active approach to promote opportunities for minority and women-owned business enterprises to bid on County projects and participate in procurement. The County Executive must actively be working with the Chief Diversity Officer, Division of Purchasing and Central Services, and newly created Diversity Action Plan Advisory Committee to ensure that these opportunities are being presented, and that the County is promoting inclusivity in all facets.

Therefore, in the interest of promoting diversity in Monroe County government, we recommend that this Honorable Body enact a Local Law entitled “Gantt’s Law for Utilization of Minority and Women-Owned Businesses.” The purpose of this Local Law is to establish clear guidelines for what constitutes a minority and women-owned business enterprise, create a directory of minority and women-owned business enterprises for use by the County and contractors, expand the use of minority and women-owned business enterprises in all areas of County procurement, institute reporting guidelines, conduct training for minority and women-owned business enterprises, and set new goals for the use of minority and women-owned business enterprises in County procurement.

Much of the language used in this proposed local law was adapted from best practices already established by the State of New York, Suffolk County, and Erie County.

**The specific legislative actions required are:**

1. Schedule and hold a public hearing on the proposed local law.
2. Enact a Local Law entitled “Gantt’s Law for Utilization of Minority and Women-Owned Businesses.”

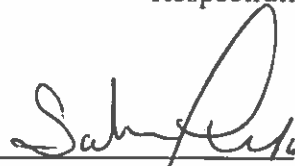
This is a Type II Action pursuant to 6 NYCRR 617.5(c) and is not subject to review under the State Environmental Quality Review Act.

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

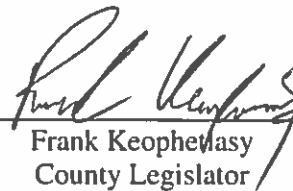
Respectfully Submitted,



Calvin Lee, Jr  
County Legislator  
District 25 - Rochester



Sabrina LaMar  
County Legislator  
District 27 - Rochester



Frank Keophewasy  
County Legislator  
District 28 - Rochester



Ernest Flagler-Mitchell  
County Legislator  
District 29 - Rochester

By Legislators \_\_\_\_\_ and \_\_\_\_\_

Intro No. \_\_\_\_\_

LOCAL LAW NO. \_\_\_\_ OF 2020

**ENACT A LOCAL LAW ENTITLED “GANTT’S LAW FOR UTILIZATION OF MINORITY AND WOMEN-OWNED BUSINESSES”**

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. Resolutions 240 of 2014 and 69 of 1989 are hereby rescinded.

Section 2. Part III, Administrative Local Laws of the Administrative Code and Charter of Monroe County, is hereby amended to add a new chapter to include the following Local Law:

**CHAPTER 26, UTILIZATION OF MINORITY AND WOMEN-OWNED BUSINESSES**

**§ 26-1. Title.**

This chapter shall be known as the “Gantt’s Law.”

**§ 26-2. Legislative Intent.**

- A. This Legislature hereby finds and determines that a need exists within the County of Monroe to recognize and encourage the growth of business enterprises that are owned and operated by women and minorities.
- B. This Legislature also finds business enterprises that are owned and operated by women and minorities have struggled to achieve equitable representation in procurement by the County of Monroe.
- C. This Legislature also finds that previous policies enacted by the County of Monroe regarding business enterprises that are owned and operated by women and minorities only pertained to construction activities.
- D. This Legislature also finds that the County's economy will benefit from the utilization by the County of business enterprises that are owned and operated by women and minorities.
- E. This Legislature further finds that both the state and federal governments have instituted programs that facilitate participation in government contracts by business enterprises that are owned and operated by women and minorities.
- F. Therefore, the purpose of this article is to ensure that minority- and women-owned business enterprises have sufficient opportunity to participate both directly and indirectly in contracting opportunities with Monroe County.

§ 26-3. **Purpose.**

The purpose of this section is to promote and encourage the utilization of minority and women-owned business enterprises in procurement by the County of Monroe and establish clear guidelines for what constitutes a minority and women-owned business enterprise, create a directory of minority and women-owned business enterprises, expand the use of minority and women-owned business enterprises in all areas of County procurement, institute reporting guidelines, conduct training for minority and women-owned business enterprises, and set new goals for the use of minority and women-owned business enterprises in County procurement.

§ 26-4. **Definitions.** As used in this section:

A. **Certified Business** – shall mean a business verified as a minority and women-owned business enterprise pursuant to § 26-5 of this article.

B. **Committee** – shall mean the Diversity Action Plan Advisory Committee established in accordance with Resolution 212 of 2020.

C. **Contractor** – shall mean an individual, a business enterprise, including a sole proprietorship, a partnership, a corporation, a not-for-profit corporation, or any other party to a County contract, or a bidder in conjunction with the award of a County contract or a proposed party to a County contract.

D. **County** – shall mean any County department; or any agency, division, board, office, elected official, commission or bureau of the County or of any County department.

E. **County Contract** – shall mean:

1. a written agreement or purchase order instrument, providing for a total expenditure in excess of fifteen thousand dollars, whereby the County is committed to expend or does expend funds in return for labor, services, supplies, equipment, materials or any combination of the foregoing, to be performed for, or rendered or furnished to the County;
2. a written agreement in excess of sixty thousand dollars whereby the County is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon.

For the purposes of this section, the term "services" shall not include banking relationships, the issuance of insurance policies or contracts, or contracts with the County for the sale of bonds, notes or other securities.

F. **Director** – shall mean the Director of Diversity, Equity and Inclusion – Chief Diversity Officer.

G. **Minority Group Members** – shall mean a United States citizen or permanent resident alien who has and can demonstrate membership in one of the following groups:

- a. Black persons having origins in any of the Black African racial groups;
- b. Hispanic persons of Mexican, Puerto Rican, Dominican, Cuban, Central or South American Descent of either Indian or Hispanic origin, regardless of race;
- c. Native American or Alaskan native persons having origins in any of the original peoples of North America;

- d. Asian and Pacific Islander persons having origins in any of the Far East countries, South East Asia, the Indian subcontinent or the Pacific Islands.

H. Minority-Owned Business Enterprise – shall mean a business enterprise, including a sole proprietorship, partnership or corporation that is:

1. at least fifty-one percent owned by one or more minority group members;
2. an enterprise in which such minority ownership is real, substantial and continuing;
3. an enterprise in which such minority ownership has and exercises the authority to control independently the day-to-day business decisions of the enterprise; and
4. an enterprise authorized to do business in the State of New York state and independently owned and operated.

I. Office – shall mean the Monroe County Department of Diversity, Equity and Inclusion.

J. Subcontract - shall mean an agreement providing for a total expenditure in excess of fifteen thousand dollars for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon between a contractor and any individual or business enterprise, including a sole proprietorship, partnership, corporation, or not-for-profit corporation, in which a portion of a contractor's obligation under a County contract is undertaken or assumed, but shall not include any construction, demolition, replacement, major repair, renovation, planning or design of real property or improvements thereon for the beneficial use of the contractor.

K. Utilization Plan - shall mean a plan prepared by a contractor and submitted in connection with a proposed County contract. The utilization plan shall identify certified minority and women-owned business enterprises, if known, that have committed to perform work in connection with the proposed County contract as well as any such enterprises, if known, which the contractor intends to use in connection with the contractor's performance of the proposed County contract. The plan shall specifically contain a list, including the name, address and telephone number, of each certified enterprise with which the contractor intends to subcontract.

L. Women-Owned Business Enterprise – shall mean a business enterprise, including a sole Proprietorship, partnership or corporation that is:

1. at least fifty-one percent owned by one or more United States citizens or permanent resident aliens who are women;
2. an enterprise in which the ownership interest of such women is real, substantial and continuing;
3. an enterprise in which such women ownership has and exercises the authority to control independently the day-to-day business decisions of the enterprise; and
4. an enterprise authorized to do business in the State of New York state and independently owned and operated.



**§ 26-5. Certification.**

A. The Director, in conjunction with the Committee, shall promulgate rules and regulations providing for the establishment of a Countywide certification program, including rules and regulations governing the approval, denial or revocation of any such certification. Such rules and regulations shall include, but not be limited to, such matters as may be required to ensure that the established procedures thereunder shall at least be in compliance with the code of fair procedure set forth in § 73 of the New York Civil Rights Law. The Director shall accept all businesses having or awaiting certification by a state agency.

B. For the purposes of this article, the Office shall be responsible for verifying businesses as being owned, operated, and controlled by minority group members or women and for certifying such verified businesses or may refer such process to an appropriate state agency. The Director shall prepare a directory of certified businesses for use by the County and contractors in carrying out the provisions of this article. The Director shall periodically update the directory and make it publically available on the County's website.

C. Following application for certification pursuant to this section, the Director shall provide the applicant with written notice of the status of the application, including notice of any outstanding deficiencies, within 30 days. Within 60 days of submission of a final completed application, the Director shall provide the applicant with written notice of a determination by the Office approving or denying such certification and, in the event of a denial, a statement setting forth the reasons for such denial. Upon a determination denying or revoking certification, the business enterprise for which certification has been so denied or revoked shall, upon written request made within 30 days from receipt of notice of such determination, be entitled to a hearing before the Committee. In the event that a request for a hearing is not made within such thirty-day period, such determination shall be deemed to be final. The Committee shall conduct a hearing and, upon the conclusion of such hearing, issue a written recommendation to the Director to affirm, reverse or modify such determination of the Director. Such written recommendation shall be issued to the applicant and the Director. The Director, within 30 days, shall, by order, accept, reject or modify such recommendation of the Committee and set forth in writing the reasons therefor. The Director shall serve a copy of such order and reasons therefor upon the business enterprise by personal service or by certified mail, return receipt requested.

**§ 26-6. Annual Workshop**

The Office shall hold an annual workshop for potential minority and women-owned business enterprise applicants and certified businesses, for the purpose of educating and informing participants about the County's procurement processes and reviewing upcoming procurement opportunities including, but not limited to the Capital Improvement Plan. The workshop shall include all relevant information to allow potential bidders to understand, navigate, and compete in the County's procurement process.

**§ 26-7. Goals**

The County hereby sets the following goals for insuring the full and equitable participation minority and women-owned business enterprises:

A. the County shall have a level of participation goal of twelve (12) percent for minority-owned business enterprises of the total value of County contracts in a given year;

B. the County shall have a level of participation goal of three (3) percent for women-owned business enterprises of the total value of County contracts in a given year; and

C. the above stated goals shall coincide with the County's good faith efforts to utilize local labor and create local jobs through County contracts.

**§ 26-8. Equal Employment Opportunities for Minority Group Members and Women.**

A. All County contracts and all documents soliciting bids or proposals for County contracts shall contain or make reference to the following provisions:

1. the contractor shall not discriminate against employees or applicants for employment because of race, creed, color, national origin, sex, age, disability, sexual orientation, military status, or marital status, and will undertake or continue taking steps to ensure that minority group members and women are afforded equal employment opportunities without discrimination. For purposes of this article, such steps shall include recruitment, employment, job assignments, promotion, upgrading, demotion, transfer, layoff, or termination and rates of pay or other forms of compensation;
2. at the request of the County, the contractor shall request each employment agency, labor union, or authorized representative of workers with which it has a collective bargaining or other agreement or understanding to furnish a written statement that such employment agency, labor union, or representative will not discriminate on the basis of race, creed, color, national origin, sex, age, disability, sexual orientation, military status, or marital status and that such union or representative will affirmatively cooperate in the implementation of the contractor's obligations herein; and
3. the contractor shall state, in all solicitations or advertisements for employees, that, in the performance of the County contract, all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability, sexual orientation, military status, or marital status.

B. The contractor shall include the provisions of Subsection A of this section in every subcontract in such a manner that the provisions will be binding upon each subcontractor as to all work done in connection with the County contract.

C. The provisions of this section shall not be binding upon contractors or subcontractors in the performance of work or the provision of services or any other activities that are unrelated, separate, or distinct from the County contract as expressed by its terms.

D. In the implementation of this section, the County shall consider compliance by a contractor or subcontractor with the requirements of any federal and state law concerning equal employment opportunity, which effectuates the purposes of this section. The County shall determine whether the imposition of the requirements of the provisions hereof duplicate or conflict with any such law, and if such duplication or conflict exists, the County shall waive the applicability of this section to the extent of such duplication or conflict.

**§ 26-9. Requirements**

A. The Director, in conjunction with the Committee, shall promulgate rules and regulations that provide measures and procedures to ensure that certified businesses shall be given the opportunity for meaningful participation in the performance of County contracts. Such rules shall require the County to identify those County contracts for which certified businesses are most likely to be available and may set forth additional requirements for outreach to minority businesses particularly with regard to such contracts. Nothing in the provisions of this article shall be construed to limit the ability of any certified business to bid on any contract.

B. The County shall include or require to be included with respect to County contracts for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon, requests for proposals (RFPs), and any other applicable County contracts, such provisions as may be necessary to effectuate the provisions of this article, including but not limited to provisions:

1. requiring contractors to use best efforts to solicit active participation by enterprises identified in the directory of certified businesses provided to the County by the Office; and
2. requiring the parties to agree, as a condition of entering into such contract, to be bound by the provisions of § 26-8 of this article; provided, however, that no such provisions shall be binding upon contractors or in the performance of work or the provision of services that are unrelated, separate or distinct from the County contract as expressed by its terms, and nothing in this section shall authorize the Director or any contracting agency to impose any requirement on a contractor except with respect to a County contract.

C. All requests for proposals, requests for qualifications, and expressions of interest issued by the County shall include approach to minority and women-owned business enterprise utilization in the selection criteria, and shall state that minority and women-owned business enterprise utilization will be used as selection criteria and rated in compliance with the Monroe County Department of Finance - Division of Purchasing and Central Service's Procedure for Service Contracts.

D. In the implementation of this section, the County shall consider compliance with the requirements of any federal or state law concerning opportunities for minority and women-owned business enterprises which effectuate the purpose of this section. The County shall determine whether the imposition of the requirements of any such law duplicate or conflict with the provisions hereof, and if such duplication or conflict exists, the County may waive the applicability of this article to the extent of such duplication or conflict.

#### § 26-10. Rules for Utilization of Subcontractors.

A. The Director, in conjunction with the Committee, shall promulgate rules and regulations requiring that all contractors use best efforts to achieve participation in subcontracting by minority and women-owned business enterprises in accordance with goals set by § 26-7 to enhance opportunity for minority and women-owned businesses to reflect the percentage of minority and women-owned businesses available to perform such work.

B. The County shall administer the rules and regulations promulgated by the Director, in conjunction with the Committee, to ensure compliance with the provisions of this section.

1. Such rules and regulations shall require that:
  - a. a contractor submit a utilization plan after bids are opened, when bids are required, or in a contractor's response to an RFP;
  - b. in all cases, prior to the award of a County contract, the County shall review the utilization plan submitted by the contractor within a reasonable period of time, as established by the Director;
  - c. the County notify the contractor in writing within a period of time specified by the Director as to any deficiencies contained in the contractor's utilization plan, as well as the permissible time period within which to cure such deficiencies;
  - d. the contractor submit periodic compliance reports relating to the operation and implementation of any utilization plan; and

- e. the County file a complaint with the Director, or the Committee, in the event a contractor is failing or has failed to comply with the minority- and women-owned business enterprise participation requirements set forth in the County contract and no waiver has been granted pursuant to Subsections E and F of this section.

2. Such rules and regulations shall allow a contractor to:

- a. apply for a partial or total waiver of the minority and women-owned business enterprise participation requirements pursuant to Subsections E and F of this section.
- b. file a complaint with the Director, or the Committee, in the event the County has failed or refused to issue a waiver of the minority and women owned business enterprise participation requirements or has denied such request for a waiver.

C. The rules and regulations promulgated pursuant to this section regarding a utilization plan shall provide that where enterprises have been identified within a utilization plan, a contractor shall use best efforts to utilize such enterprise at least to the extent indicated. The County may require a contractor to indicate, within a utilization plan, what measures and procedures he or she intends to take to comply with the provisions of this article, but may not require, as a condition of award of or compliance with a contract, that a contractor utilize a particular enterprise in performance of the contract.

D. Without limiting other grounds for the disqualification of bids or proposals on the basis of nonresponsibility, the County may disqualify the bid or proposal of a contractor as being nonresponsible for failure to remedy noted deficiencies in the contractor's utilization plan within a period of time specified in regulations promulgated by the Director, in conjunction with the Committee, after receiving notification of such deficiencies from the County. Where failure to remedy any noted deficiency in the utilization plan is a ground for disqualification, that issue and all other grounds for disqualification shall be stated in writing by the County. Where the County states that a failure to remedy any noted deficiency in the utilization plan is a ground for disqualification, the contractor shall be entitled to an administrative hearing, on a record, involving all grounds stated by the County. Such hearing shall be conducted by the appropriate authority of the County to review the determination of disqualification. A final administrative determination made following such hearing shall be reviewable in accordance with law.

E. Where it appears that a contractor, after making its best efforts, cannot comply with the minority and women-owned business enterprise participation requirements set forth in a particular County contract, a contractor may file a written application with the County requesting a partial or total waiver of such requirements setting forth the reasons for the contractor's inability to meet any or all of the participation requirements and an explanation of the efforts undertaken, by the contractor to obtain the required minority and women-owned business enterprise participation. In implementing the provisions of this section, the County shall consider the number and types of minority and women-owned business located in the County, the total dollar value of the County contract, the scope of work to be performed and the project size and term. Based on such considerations, if the County determines there is not a reasonable availability of contractors on the list of certified businesses to furnish services for the project, it shall issue a waiver of compliance to the contractor. In making such determination, the County shall first consider the availability of other business enterprises located in the County and shall thereafter consider the financial ability of certified businesses located in the County to perform the County contract.

F. For purposes of determining if a contractor has used best efforts to comply with the requirements of this section or is entitled to a waiver, the County shall consider:

1. Whether the contractor has advertised in general circulation media, trade association, and minority-focus, women-focus, and in such event:

- a. whether or not certified businesses which have been solicited by the contractor exhibited interest in submitting proposals for a particular project by attending a pre-bid conference; and
  - b. whether certified businesses which have been solicited by the contractor have responded in a timely fashion to the contractor's solicitations for timely competitive bid quotations prior to the County's bid date; and
2. Whether there has been written notification to appropriate certified businesses that appear in the directory of certified businesses prepared pursuant to § 26-5 of this article; and
  3. Whether the contractor can reasonably structure the amount of work to be performed under subcontracts in order to increase the likelihood of participation by certified businesses.

G. In the event that the County fails or refuses to issue a requested waiver to a contractor within 30 days of the application therefor pursuant to Subsection E of this section, or if the County denies such application in whole or in part, the contractor may file a complaint with the Director, or the Committee, setting forth the facts and circumstances giving rise to the contractor's complaint together with a demand for relief. The contractor shall serve a copy of such complaint upon the County by personal service or by certified mail, return receipt requested. The County shall be afforded an opportunity to respond to such in writing.

H. If, after the review of a contractor's utilization plan or review of a periodic compliance report and after such contractor has been afforded an opportunity to respond to a notice of deficiency issued by the County in connection therewith, it appears that a contractor is failing or refusing to comply with minority and women-owned business enterprise participation requirements as set forth in the County contract and where no waiver from such requirements has been granted, the County may file a written complaint with the Director, or the Committee, setting forth the facts and circumstances giving rise to the County's complaint together with a demand for relief. The County shall serve a copy of such complaint upon the contractor by personal service or by certified mail, return receipt requested. The contractor shall be afforded an opportunity to respond to such complaint in writing

#### **§ 26-11. Enforcement**

Upon receipt of a complaint by that a contractor has violated the provisions of a County contract, which have been included to comply with the provisions of this article, the Director, in conjunction with the Committee, shall attempt to resolve the matter giving rise to such complaint within 30 days of receipt of the complaint. If efforts to resolve such matter to the satisfaction of all parties are unsuccessful, the matter shall be immediately referred to the Department of Law for appropriate action, including, but not limited to, withholding payment due under the contract, or cancellation, termination or suspension of the contract in whole or in part.

#### **§ 26-12. Report**

The County Executive, or their designee, shall file a report with the County Legislature no later than April 1st of each year, which details the levels of participation for minority and women-owned business enterprise businesses in County contracts for the prior year. The report shall include the name of each project funded, the total dollars spent for the project, and total dollars spent with minority and women-owned businesses, respectively.

§ 26-13. Severability.

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

Section 3. This local law shall take effect sixty-days after filing with the Secretary of State pursuant to Section 27 of the New York State Municipal Home Rule Law.

\_\_\_\_\_ Committee; \_\_\_\_\_ - CV: \_\_\_\_\_

\_\_\_\_\_ Committee; \_\_\_\_\_ - CV: \_\_\_\_\_

File No. 20-\_\_\_\_.LL

ADOPTION: Date: \_\_\_\_\_

Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF LOCAL LAW: \_\_\_\_\_

16.

By Legislators Flagler-Mitchell and Felder

Intro. No. \_\_\_\_\_

RESOLUTION NO. \_\_\_ OF 2021

**FIXING A PUBLIC HEARING ON LOCAL LAW (INTRO. NO. \_\_\_ OF 2021), ENTITLED  
"GANTT'S LAW FOR UTILIZATION OF MINORITY AND WOMEN-OWNED BUSINESSES"**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. That there will be a public hearing at 6:17 P.M. on the 8th day of June, 2021, in the Legislative Chambers in the County Office Building, Rochester, New York on Local Law (Intro. No. \_\_\_ of 2021), entitled **"GANTT'S LAW FOR UTILIZATION OF MINORITY AND WOMEN-OWNED BUSINESSES"**

Section 2. The Clerk of the Legislature is directed to give notice of the time and place of this public hearing, and a description of the proposed local law, to the news media within the County, and shall conspicuously post a copy of said notice in the office of the Clerk at least five days before said hearing. In addition, the Clerk shall cause said notice to be published once in the official newspapers of general circulation within the County at least five days before said hearing.

Section 3. This resolution shall take effect immediately.

Agenda/Charter Committee – Discharged to Legislature  
File No. 20-0340.LL

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_



**ATTACHMENTS:**

	<b>Description</b>	<b>File Name</b>	<b>Type</b>
▢	<b>Referral</b>	<b>R21-0130.pdf</b>	<b>Referral Letter</b>
▢	<b>Resolution</b>	<b>ITEM_17.pdf</b>	<b>Resolution</b>





# Office of the County Executive

Monroe County, New York

Adam J. Bello  
County Executive

April 9, 2021

<b>OFFICIAL FILE COPY</b>
No. <u>210130</u>
Not to be removed from the Office of the Legislature Of Monroe County
Committee Assignment
<b>ENV. &amp; PUB. WORKS</b>
<b>WAYS &amp; MEANS</b>

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

**Subject:** Acceptance of a Grant from the Federal Aviation Administration (Coronavirus Response and Relief Supplemental Appropriations Act Grant Program) Related to the Operation and Maintenance of the Frederick Douglass - Greater Rochester International Airport

Honorable Legislators:

I recommend that Your Honorable Body accept a grant from the Federal Aviation Administration (Coronavirus Response and Relief Supplemental Appropriations Act Grant Program) in the amount of \$5,113,191 for payment of expenses needed to operate and maintain the Frederick Douglass - Greater Rochester International Airport.

The effects of COVID-19 continue to significantly reduce the airport revenue generated at the Frederick Douglass - Greater Rochester International Airport that is needed to pay operational and maintenance expenses. Last year, Resolution 163 of 2020 approved by Your Honorable Body, accepted a \$12.9 million grant to assist with the payment of these expenses. This new grant may be used by Monroe County for any purpose for which airport revenues may be lawfully used.

**The specific legislative actions required are:**

1. Authorize the County Executive, or his designee, to accept a \$5,113,191 grant from, and to execute a contract and any amendments thereto with, the Federal Aviation Administration (Coronavirus Response and Relief Supplemental Appropriations Act Grant Program) for payment of expenses needed to operate and maintain the Frederick Douglass - Greater Rochester International Airport.

110 County Office Building • 39 West Main Street • Rochester, New York 14614

(585) 753-1000 • fax: (585) 753-1014 • [www.monroecounty.gov](http://www.monroecounty.gov) • e-mail: [countyexecutive@monroecounty.gov](mailto:countyexecutive@monroecounty.gov)

2. Authorize the County Executive to appropriate any subsequent years of the grant award in accordance with the grant terms, to reappropriate any unencumbered balances during the grant period according to the grantor requirements, and to make any necessary funding modifications within the grant guidelines to meet contractual commitments.
3. Should funding of this program be modified or terminated for any reason, the County Executive is hereby authorized to terminate or modify the program and, where applicable, to terminate or abolish some or all positions funded under such program. Any termination or abolishment of positions shall be in accordance with New York State Civil Service Law, and when applicable, the terms of any labor agreement affecting such positions.

This action is a Type II Action pursuant to 6 NYCRR § 617.5(c)(26) (“routine or continuing agency administration and management, not included new programs or major reordering of priorities that may affect the environment”) and is not subject to further review under the State Environmental Quality Review Act.

Funding for this contract is included in the 2021 operating budget of the Monroe County Department of Aviation, Airport fund 9010, funds center 8101010000, Airport Administration.

This grant is 100% funded by the Federal Aviation Administration. No net County support is required in 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,

A handwritten signature in blue ink that reads "Adam J. Bello". The signature is stylized and cursive.

Adam J. Bello  
Monroe County Executive

AJB:db

By Legislators Dondorfer and Delehanty

Intro. No. \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_ OF 2021

**ACCEPTING GRANT FROM FEDERAL AVIATION ADMINISTRATION (CORONAVIRUS RESPONSE AND RELIEF SUPPLEMENTAL APPROPRIATIONS ACT GRANT PROGRAM) RELATED TO OPERATION AND MAINTENANCE OF THE FREDERICK DOUGLASS – GREATER ROCHESTER INTERNATIONAL AIRPORT**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. The County Executive, or his designee, is hereby authorized to accept a \$5,113,191 grant from, and to execute a contract and any amendments thereto with, the Federal Aviation Administration (Coronavirus Response and Relief Supplemental Appropriations Act Grant Program) for payment of expenses needed to operate and maintain the Frederick Douglass – Greater Rochester International Airport.

Section 2. The County Executive is hereby authorized to appropriate any subsequent years of the grant award in accordance with the grant terms, to reappropriate any unencumbered balances during the grant period according to the grantor requirements, and to make any necessary funding modifications within the grant guidelines to meet contractual commitments.

Section 3. Should funding of this program be modified or terminated for any reason, the County Executive is hereby authorized to terminate or modify the program and, where applicable, to terminate or abolish some or all positions funded under such program. Any termination or abolishment of positions shall be in accordance with New York State Civil Service Law and, when applicable, the terms of any labor agreement affecting such positions.

Section 4. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0130

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_



**ATTACHMENTS:**

	<b>Description</b>	<b>File Name</b>	<b>Type</b>
▢	<b>Referral</b>	<b>R21-0131.pdf</b>	<b>Referral Letter</b>
▢	<b>Resolution</b>	<b>ITEM_18.pdf</b>	<b>Resolution</b>



# Office of the County Executive Monroe County Legislature

Adam J. Bello  
County Executive

Michael Yudelson  
Legislator – District 13

Fred Ancello  
Legislator – District 6

Sean M. Delehanty  
Legislator – District 11

May 10, 2021

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

Subject: Enact a Local Law Establishing a Sustainable Energy Loan Program (OPEN C-PACE) in Monroe County and Authorize a Contract with Energy Improvement Corporation to Administer the Energize NY Open C-PACE Program

Honorable Legislators:

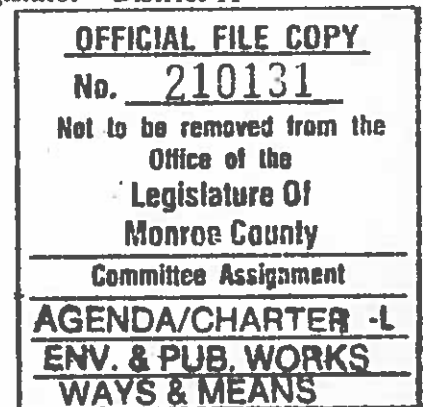
We recommend that Your Honorable Body enact a local law establishing a Sustainable Energy Loan Program (OPEN C-PACE) in Monroe County and authorize a contract with the Energy Improvement Corporation to administer this program for a period of ten (10) years commencing on or about July 1, 2021, with the option to renew for two (2) additional five-year terms.

The Commercial Property Assessed Clean Energy program, known as the Energize NY Open C-PACE Financing Program ("Open C-PACE") in New York, channels private capital to commercial and non-profit building owners to make energy upgrades to existing buildings or build new construction to higher energy standards. Open C-PACE enables building owners to improve their properties, lower operating expenses, and reduce energy consumption.

Open C-PACE differs from traditional bank loans as follows:

- Financing is available up to 100% of the project cost and may be combined with other financing.
- Competitive private financing from EIC-approved capital providers.
- Customizable loan terms up to the expected life of the improvements.
- Benefit assessment lien is subordinate to municipal taxes and senior to other liens (consent from mortgage holder is required).
- Automatically transfers to new owner upon sale of property.

Open C-PACE financing is a public benefit authorized by state law, with repayment secured through a benefit assessment lien on the improved property. The Energy Improvement Corporation ("EIC"), a non-profit, statewide local development corporation, administers Open C-PACE on behalf of its member municipalities. According to New York State Energy, Research, and Development Authority, EIC is the only authorized Open C-PACE program provider in Upstate New York. There are presently 61 member municipalities, including the City of Rochester.



To offer Open C-PACE, the County must pass a local law and sign an EIC municipal agreement. The County would have no fees to join the program, nor any financial exposure or responsibility to administer the program. Because the City of Rochester offers Open C-PACE within the City limits, the County's Open C-PACE Program would only be available to commercial and non-profit building properties within the County but outside the City municipal boundaries.

Once enabled, the County would provide the public benefit of Open C-PACE financing and EIC would administer the program. EIC would record the lien on the land records, bill the property owner directly, and administer collection of the payment. The capital provider would enforce the Open C-PACE lien only after paying any delinquent municipal taxes owed by the property owner to the municipality.

**The specific legislative actions required are:**

1. Schedule and hold a public hearing on the proposed Local Law.
2. Enact a Local Law establishing a Sustainable Energy Loan Program (OPEN C-PACE) in Monroe County.
3. Upon the effective date of the Local Law, authorize the County Executive, or his designee, to execute a contract, and any amendments thereto, with Energy Improvement Corporation, 2875 Route 35, Katonah, New York 10536, or any subsidiary or successor, to administer the Open C-PACE program for a period of ten (10) years commencing on or about July 1, 2021, with the option to renew for two (2) additional five-year terms.

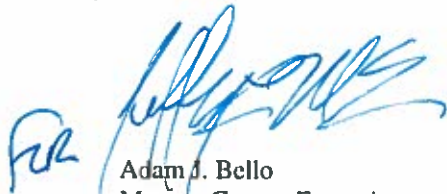
This is a Type II Action pursuant to 6 NYCRR §6217.5(c)(26) ("routine continuing agency administration and management not including new programs or major reordering of priorities that may affect the environment") and (33) ("adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list") and is not subject to further review under the State Environmental Quality Review Act.

No net County support is required in the current Monroe County budget.

The records in the office of the Monroe County Treasury have indicated that neither the Energy Improvement Corporation, nor its principal officer, Susan Morth, CEO, owe any delinquent Monroe County property taxes.

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

Sincerely,

  
For Adam J. Bello  
Monroe County Executive

  
Fred Ancello  
Monroe County Legislator – District 6

  
Michael Yudelson  
Monroe County Legislator – District 13

  
Sean M. Delehanty  
Monroe County Legislator – District 11

By Legislators Yudelson, Delehanty and Ancello

Intro No. \_\_\_\_

LOCAL LAW NO. \_\_\_\_ OF 2021

**ENACT A LOCAL LAW TO ESTABLISH A SUSTAINABLE ENERGY LOAN PROGRAM (OPEN C-PACE) IN MONROE COUNTY**

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

**Section 1. This local law shall be known as the “Energize NY Open C-PACE Financing Program” and shall read as follows:**

**ARTICLE I**

**§1. Legislative findings, intent and purpose, authority.**

- A. It is the policy of both Monroe County and the State of New York to achieve energy efficiency and renewable energy improvements, reduce greenhouse gas emissions, mitigate the effect of global climate change, and advance a clean energy economy. Monroe County finds that it can fulfill this policy by providing property assessed clean energy financing to Qualified Property Owners (as defined below) for the installation of renewable energy systems and energy efficiency measures. This local law establishes a program that will allow the Energy Improvement Corporation (as defined below, “EIC”), a local development corporation, acting on behalf of Monroe County pursuant to the municipal agreement (the “Municipal Agreement”) to be entered into between Monroe County and EIC make funds available to Qualified Property Owners that will be repaid through charges on the real properties benefited by such funds, thereby fulfilling the purposes of this local law and accomplishing an important public purpose. This local law provides a method of implementing the public policies expressed by, and exercising the authority provided by, Article 5-L of the General Municipal Law (as defined below, the “Enabling Act”).
- B. Monroe County is a municipality of the State constituting a tax district as defined in Section 1102 of the RPTL. Monroe County is authorized to execute, deliver and perform the Municipal Agreement and otherwise to implement this Energize NY Open C-PACE Financing Program pursuant to the Constitution and laws of New York, including particularly Article IX of the Constitution, Section 10 of the Municipal Home Rule Law, the Enabling Act and this local law.
- C. This local law, which is adopted pursuant to Section 10 of the Municipal Home Rule Law and the Enabling Act shall be known and may be cited as the “Energize NY Open C-PACE Local Law”.

## §2. Definitions

- A. Capitalized terms used but not defined herein have the meanings assigned in the Enabling Act.
- B. For purposes of this local law, and unless otherwise expressly stated or unless the context requires, the following terms shall have the meanings indicated:

**Annual Installment Amount** – shall have the meaning assigned in Section 8, paragraph B.

**Annual Installment Lien** – shall have the meaning assigned in Section 8 paragraph B.

**Authority** – the New York State Energy Research and Development Authority.

**Benefit Assessment Lien** – shall have the meaning assigned in Section 3, paragraph A.

**Benefited Property** – Qualified Property for which the Qualified Property Owner has entered into a Finance Agreement for a Qualified Project.

**Benefited Property Owner** – the owner of record of a Benefited Property.

**EIC** – the Energy Improvement Corporation, a local development corporation duly organized under section 1411 of the Not-For-Profit Corporation Law of the State, authorized hereby on behalf of Monroe County to implement the Program by providing funds to Qualified Property Owners and providing for repayment of such funds from money collected by or on behalf of Monroe County as a charge to be levied on the real property.

**Eligible Costs** – costs incurred by the Benefited Property Owner in connection with a Qualified Project and the related Finance Agreement, including application fees, EIC's Program administration fee, closing costs and fees, title and appraisal fees, professionals' fees, permits, fees for design and drawings and any other related fees, expenses and costs, in each case as approved by EIC and the Financing Party under the Finance Agreement

**Enabling Act** – Article 5-L of the General Municipal Law of the State, or a successor law, as in effect from time to time.

**Finance Agreement** – the finance agreement described in Section 6A of this local law.

**Financing Charges** – all charges, fees, and expenses related to the loan under the Finance Agreement including accrued interest, capitalized interest, prepayment premiums, and penalties as a result of a default or late payment and costs and reasonable attorneys' fees incurred by the Financing Party as a result of a foreclosure or other legal proceeding brought against the Benefited Property to enforce any delinquent Annual Installment Liens.

**Financing Parties** – Third-party capital providers approved by EIC to provide financing to Qualified Property Owners or other financial support to the Program which have entered into separate agreements with EIC to administer the Program in Monroe County.



**Municipal Lien** – a lien on Qualified Property which secures the obligation to pay real property taxes, municipal charges, or governmentally imposed assessments in respect of services or benefits to a Qualified Property.

**Non-Municipal Lien** – a lien on Qualified Property which secures any obligation other than the obligation to pay real property taxes, municipal charges, or governmentally-imposed assessments in respect of services or benefits to a Qualified Property Owner or Qualified Property.

**Program** – the Energize NY Open C-PACE Financing Program authorized hereby.

**Qualified Project** – the acquisition, construction, reconstruction or equipping of Energy Efficiency Improvements or Renewable Energy Systems or other projects authorized under the Enabling Act on a Qualified Property, together with a related Energy Audit, Renewable Energy System Feasibility Study and/or other requirements under or pursuant to the Enabling Act, with funds provided in whole or in part by Financing Parties under the Program to achieve the purposes of the Enabling Act.

**Qualified Property** – Any real property other than a residential building containing less than three dwelling units, which is within the boundaries of Monroe County that has been determined to be eligible to participate in the Program under the procedures for eligibility set forth under this local law and the Enabling Act and has become the site of a Qualified Project.

**Qualified Property Owner** – the owner of record of Qualified Property which has been determined by EIC to meet the requirements for participation in the Program as an owner, and any transferee owner of such Qualified Property.

**RPTL** – the Real Property Tax Law of the State, as amended from time to time.

**Secured Amount** – as of any date, the aggregate amount of principal loaned to the Qualified Property Owner for a Qualified Project, together with Eligible Costs and Financing Charges, as provided herein or in the Finance Agreement, as reduced pursuant to Section 8, paragraph C.

**State** – the State of New York.

### **§3. Establishment of an Energize NY Open C-PACE Financing Program**

- A. An Energize NY Open C-PACE Financing Program is hereby established by Monroe County, whereby EIC acting on its behalf pursuant to the Municipal Agreement, may arrange for the provision of funds by Financing Parties to Qualified Property Owners in accordance with the Enabling Act and the procedures set forth under this local law, to finance the acquisition, construction, reconstruction, and installation of Qualified Projects and Eligible Costs and Financing Charges approved by EIC and by the Financing Party under the Finance Agreement. EIC, on behalf of Monroe County, and with the consent of the Benefited Property Owner, will record a Benefit Assessment Lien on the Benefited Property in the Secured Amount (the “Benefit Assessment Lien”) on the land records of the Monroe County Clerk’s Office. Such recording shall be exempt from any charge, mortgage recording tax, or other fee in the same manner as if recorded by Monroe County.
- B. Before a Qualified Property Owner and a Financing Party enter into a Finance Agreement which results in a loan to finance a Qualified Project, repayment of which is secured by a

Benefit Assessment Lien, a written consent from each existing mortgage holder of the Qualified Property shall be obtained, permitting the Benefit Assessment Lien and each Annual Installment Lien to take priority over all existing mortgages.

**§4. Procedures for eligibility**

- A. Any property owner in Monroe County may submit an application to EIC on such forms as have been prepared by EIC and made available to property owners on the website of EIC and at Monroe County's offices.
- B. Every application submitted by a property owner shall be reviewed by EIC, acting on behalf of Monroe County, which shall make a positive or negative determination on such application based upon the criteria enumerated in the Enabling Act and § 5 of this local law. EIC may also request further information from the property owner where necessary to aid in its determination.
- C. If a positive determination on an application is made by EIC, acting on behalf of Monroe County, the property owner shall be deemed a Qualified Property Owner and shall be eligible to participate in the Program in accordance with § 6 of this local law.

**§5. Application criteria.** Upon the submission of an application, EIC, acting on behalf of Monroe County, shall make a positive or negative determination on such application based upon the following criteria for the making of a financing:

- A. The property owner may not be in bankruptcy and the property may not constitute property subject to any pending bankruptcy proceeding;
- B. The amount financed under the Program shall be repaid over a term not to exceed the weighted average of the useful life of Renewable Energy Systems and Energy Efficiency Improvements to be installed on the property, as determined by EIC;
- C. Sufficient funds are available from Financing Parties to provide financing to the property owner;
- D. The property owner is current in payments on any existing mortgage on the Qualified Property;
- E. The property owner is current on payments, with respect to the Qualified Property, on any real property taxes, municipal charges, and governmentally imposed assessments in respect of services or benefits, including the Monroe County Hotel Room Occupancy Tax, if applicable; and
- F. Such additional criteria, not inconsistent with the criteria set forth above, as the State, Monroe County, or EIC acting on its behalf, or other Financing Parties may set from time to time.

**§6. Energize NY Finance Agreement**

- A. A Qualified Property Owner may participate in the Program through the execution of a finance agreement made by and between the Qualified Property Owner and a Financing Party, to which EIC, on behalf of Monroe County, shall be a third-party beneficiary (the "Finance Agreement"). Upon execution and delivery of the Finance Agreement, the property that is the subject of the Finance Agreement shall be deemed a "Benefited Property").
- B. Upon execution and delivery of the Finance Agreement, the Benefited Property Owner shall be eligible to receive funds from the Financing Party for the acquisition, construction, and installation of a Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, provided the requirements of the Enabling Act, the Municipal Agreement and this local law have been met.
- C. The Finance Agreement shall include the terms and conditions of repayment of the Secured Amount and the Annual Installment Amounts.
- D. EIC may charge fees to offset the costs of administering the Program and such fees, if not paid by the Financing Party, shall be added to the Secured Amount.

**§7. Terms and conditions of repayment.** The Finance Agreement shall set forth the terms and conditions of repayment in accordance with the following:

- A. The principal amount of the funds loaned to the Benefited Property Owner for the Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, shall be specially assessed against the Benefited Property and will be evidenced by a Benefit Assessment Lien recorded against the Benefited Property on the land records of the Monroe County Clerk's Office. The special benefit assessment shall constitute a "charge" within the meaning of the Enabling Act and shall be collected in annual installments in the amounts certified by the Financing Party in a schedule provided at closing and made part of the Benefit Assessment Lien. Said amount shall be annually levied, billed, and collected by EIC, on behalf of Monroe County, and shall be paid to the Financing Party as provided in the Finance Agreement.
- B. The term of such repayment shall be determined at the time the Finance Agreement is executed by the Benefited Property Owner and the Financing Party, not to exceed the weighted average of the useful life of the systems and improvements as determined by EIC, acting on behalf of Monroe County.
- C. The rate of interest for the Secured Amount shall be fixed by the Financing Party in conjunction with EIC, acting on behalf of Monroe County, as provided in the Finance Agreement.

**§8. Levy of Annual Installment Amount and Creation of Annual Installment Lien.**

- A. Upon the making of the loan pursuant to the Finance Agreement, the Secured Amount shall become a special Benefit Assessment Lien on the Benefited Property in favor of

Monroe County. The amount of the Benefit Assessment Lien shall be the Secured Amount. Evidence of the Benefit Assessment Lien shall be recorded by EIC, on behalf of Monroe County, on the land records of the Monroe County Clerk's Office. Such recording shall be exempt from any charge, mortgage recording tax, or other fee in the same manner as if recorded by Monroe County. The Benefit Assessment Lien shall not be foreclosed upon by or otherwise enforced by Monroe County.

- B. The Finance Agreement shall provide for the repayment of the Secured Amount in installments made at least annually, as provided in a schedule attached to the Benefit Assessment Lien (the "Annual Installment Amount"). The Annual Installment Amount shall be levied by EIC, on behalf of Monroe County, on the Benefited Property in the same manner as levies for county charges and shall become a lien on the Benefited Property at midnight on the thirty-first day of December of the preceding year (the "Annual Installment Lien") and shall remain a lien until fully paid or otherwise satisfied or cancelled as provided by law. The creation or any recording of the Annual Installment Lien shall be exempt from any charge, mortgage recording tax, or other fee in the same manner as if recorded by Monroe County. Payment to the Financing Party shall be considered payment for this purpose. Such payment shall partly or wholly discharge the Annual Installment Lien. Delinquent Annual Installment Amounts may accrue Financing Charges as may be provided in the Finance Agreement. Any additional Financing Charges imposed by the Financing Party pursuant to the Finance Agreement shall increase the Annual Installment Amount and the Annual Installment Lien for the year in which such overdue payments were first due.
- C. The Benefit Assessment Lien shall be reduced annually by the amount of each Annual Installment Lien when each Annual Installment Lien becomes a lien. Each Annual Installment Lien shall be subordinate to all Municipal Liens, whether created pursuant to the RPTL, the Monroe County Tax Act, or by any other State or local law. No portion of a Secured Amount shall be recovered by Monroe County, EIC, or an assignee upon foreclosure, sale, or other disposition of the Benefited Property unless and until all Municipal Liens are fully discharged. Each Annual Installment Lien, however, shall have priority over all Non-Municipal Liens, irrespective of when created, except as otherwise required by law.
- D. Neither the Benefit Assessment Lien nor any Annual Installment Lien shall be extinguished or accelerated in the event of a default or bankruptcy of the Benefited Property Owner. Each Annual Installment Amount shall be considered a charge upon the Benefited Property and shall be collected by EIC, on behalf of Monroe County, at the same time and in the same manner as real property taxes or county charges. Each Annual Installment Lien shall remain a lien until paid. Amounts collected in respect of an Annual Installment Lien shall be remitted to EIC, on behalf of Monroe County, or the Financing Party, as may be provided in the Finance Agreement.
- E. EIC shall act as Monroe County's agent in collection of the Annual Installment Amounts. If any Benefited Property Owner fails to pay an Annual Installment Amount, the Financing Party may redeem the Benefited Property by paying the amount of all unpaid Municipal Liens thereon, and thereafter shall have the right to collect any amounts in

respect of an Annual Installment Lien by foreclosure or any other remedy available at law. Any foreclosure shall not affect any subsequent Annual Installment Liens.

- F. EIC, on behalf of Monroe County, may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens to Financing Parties that provide financing to Qualified Properties pursuant to Finance Agreements. The Financing Parties may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens received from EIC, on behalf of the Municipality, subject to certain conditions provided in the administration agreement between EIC and the Financing Party. The assignee or assignees of such Benefit Assessment Liens and Annual Installment Liens shall have and possess the same powers and rights at law or in equity as Monroe County would have had if the Benefit Assessment Lien and the Annual Installment Liens had not been assigned with regard to the precedence and priority of such lien, the accrual of interest and the fees and expenses of collection. Notwithstanding the foregoing, no sale or assignment of a Benefit Assessment Lien and/or Annual Installment Lien shall be valid unless notice of such sale is recorded in the Monroe County Clerk's Office against the particular Qualified Property(ies) for which the Benefit Assessment Liens and/or Annual Installment Liens are being sold or assigned.

**§9. Verification and report.** EIC, on behalf of Monroe County, shall verify and report on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by the Program in such form and manner as the Authority may establish.

**§10. Separability.** If any clause, sentence, paragraph, section, or part of this local law 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, or part thereof involved in the controversy in which such judgment shall have been rendered.

Section 2. This local law shall take effect upon filing with the Secretary of State.

File No. 21-0131.LL

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

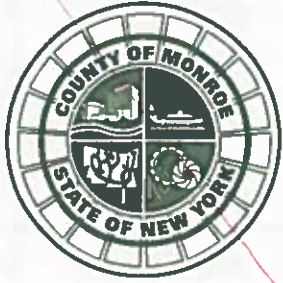
ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF LOCAL LAW: \_\_\_\_\_

See Substitutes 1



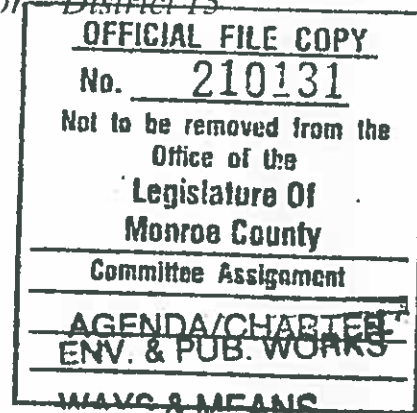
# Office of the County Executive Monroe County Legislature

**Adam J. Bello**  
*County Executive*

**Michael Yudelson**  
*Legislator - District 13*

April 9, 2021

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



**Subject:** Enact a Local Law Establishing a Sustainable Energy Loan Program (OPEN C-PACE) in Monroe County and Authorize a Contract with Energy Improvement Corporation to Administer the Energize NY Open C-PACE Program

Honorable Legislators:

We recommend that Your Honorable Body enact a local law establishing a Sustainable Energy Loan Program (OPEN C-PACE) in Monroe County and authorize a contract with the Energy Improvement Corporation to administer this program for a period of ten (10) years commencing on or about July 1, 2021, with the option to renew for two (2) additional five-year terms.

The Commercial Property Assessed Clean Energy program, known as the Energize NY Open C-PACE Financing Program ("Open C-PACE") in New York, channels private capital to commercial and non-profit building owners to make energy upgrades to existing buildings or build new construction to higher energy standards. Open C-PACE enables building owners to improve their properties, lower operating expenses, and reduce energy consumption.

Open C-PACE differs from traditional bank loans as follows:

- Financing is available up to 100% of the project cost and may be combined with other financing.
- Competitive private financing from EIC-approved capital providers.
- Customizable loan terms up to the expected life of the improvements.
- Benefit assessment lien is subordinate to municipal taxes and senior to other liens (consent from mortgage holder is required).
- Automatically transfers to new owner upon sale of property.

Open C-PACE financing is a public benefit authorized by state law, with repayment secured through a benefit assessment lien on the improved property. The Energy Improvement Corporation ("EIC"), a non-profit, statewide local development corporation, administers Open C-PACE on behalf of its member municipalities. According to New York State Energy, Research, and Development Authority, EIC is the only authorized Open C-PACE program provider in Upstate New York. There are presently 61 member municipalities, including the City of Rochester.

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To offer Open C-PACE, the County must pass a local law and sign an EIC municipal agreement. The County would have no fees to join the program, nor any financial exposure or responsibility to administer the program. Because the City of Rochester offers Open C-PACE within the City limits, the County's Open C-PACE Program would only be available to commercial and non-profit building properties within the County but outside the City municipal boundaries.

Once enabled, the County would provide the public benefit of Open C-PACE financing and EIC would administer the program. EIC would record the lien on the land records, bill the property owner directly, and administer collection of the payment. The capital provider would enforce the Open C-PACE lien only after paying any delinquent municipal taxes owed by the property owner to the municipality.

**The specific legislative actions required are:**

1. Schedule and hold a public hearing on the proposed Local Law.
2. Enact a Local Law establishing a Sustainable Energy Loan Program (OPEN C-PACE) in Monroe County.
3. Upon the effective date of the Local Law, authorize the County Executive, or his designee, to execute a contract, and any amendments thereto, with Energy Improvement Corporation, 2875 Route 35, Katonah, New York 10536, or any subsidiary or successor, to administer the Open C-PACE program for a period of ten (10) years commencing on or about July 1, 2021, with the option to renew for two (2) additional five-year terms.

This is a Type II Action pursuant to 6 NYCRR §6217.5(c)(26) ("routine continuing agency administration and management not including new programs or major reordering of priorities that may affect the environment") and (33) ("adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list") and is not subject to further review under the State Environmental Quality Review Act.

No net County support is required in the current Monroe County budget.

The records in the office of the Monroe County Treasury have indicated that neither the Energy Improvement Corporation, nor its principal officer, Susan Morth, CEO, owe any delinquent Monroe County property taxes.

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

Sincerely,



Adam V. Bello  
Monroe County Executive

Sincerely,



Michael Yudelson  
Monroe County Legislator – District 13

By Legislators Yudelson, Delehanty and Ancello

Intro. No. \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_ OF 2021

**AUTHORIZING CONTRACT WITH ENERGY IMPROVEMENT CORPORATION TO ADMINISTER ENERGIZE NY OPEN C-PACE PROGRAM**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. The County Executive, or his designee, is hereby authorized to execute a contract, and any amendments thereto, with Energy Improvement Corporation, or any subsidiary or successor, to administer the Open C-PACE program for a period of ten (10) years commencing on or about July 1, 2021, with the option to renew for two (2) additional five-year terms.

Section 3. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

File No. 21-0131

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_





**ATTACHMENTS:**

	<b>Description</b>	<b>File Name</b>	<b>Type</b>
▢	<b>Referral</b>	<b>R21-0132.pdf</b>	<b>Referral Letter</b>
▢	<b>Resolution</b>	<b>ITEM_19.pdf</b>	<b>Resolution</b>



Office of the County Executive

Monroe County, New York

Adam J. Bello
County Executive

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Monroe County
Committee Assignment
ENV. & PUB. WORKS
WAYS & MEANS

April 9, 2021

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

Subject: Authorize Contracts with Testa Construction Inc., Postler & Jaeckle Corp., Landry Mechanical Contractors Inc., and Billitier Electric, Inc. for the Monroe Community College Finger Lakes Workforce Development Center Project

Honorable Legislators:

I recommend that Your Honorable Body authorize contracts with Testa Construction Inc. in the amount of \$2,412,500 for general construction, Postler & Jaeckle Corp. in the amount of \$483,700 for plumbing construction, Landry Mechanical Contractors Inc. in the amount of \$1,968,700 for mechanical and heating, ventilation, and air conditioning construction, and Billitier Electric, Inc. in the amount of \$1,318,100 for electrical construction for the Monroe Community College ("MCC") Finger Lakes Workforce Development Center ("FLWDC") Project.

This project involves the design and construction of MCC's world-class FLWDC to serve the workforce and economic development needs of key areas in the region. The project will involve the design and renovation of existing vacant space, formerly known as Kodak's Building 16, adjacent to the MCC Downtown Campus. The renovations will create new instructional and lab space in an open, industrial-like, and multi-function space. The FLWDC will establish the Region's first education pipeline to high-demand technical manufacturing jobs providing academic and industrial training.

Funding for the project has been secured through the State University of New York (\$6,000,000) and a grant from Empire State Development (\$5,400,000) for total project funding of \$11,400,000.

The following bids were received:

Table with 2 columns: Bidder Name and Bid Amount. Includes Testa Construction Inc. (\$2,412,500), Steve General Contractors, Inc. (2,447,000), Javen Construction Co., Inc. (2,457,000), DiPasquale Construction Corporation (2,520,000), Manning Squires Hennig Co., Inc. (2,559,500), C&S Technical Resources, Inc. (2,657,000), BLM Construction Company Incorporated (2,665,000), Holdsworth Klimowski Construction, LLC (2,667,000), and D'Agostino General Contractors, Inc. (2,684,000).

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<u>Plumbing Construction</u>	<u>Bid Amount</u>
Postler & Jaeckle Corp.	\$483,700
Landry Mechanical Contractors Inc.	487,800
Crosby-Brownlie, Inc.	544,200

<u>Mechanical (HVAC) Construction</u>	<u>Bid Amount</u>
Landry Mechanical Contractors Inc.	\$1,968,700
Postler & Jaeckle Corp.	2,084,000
Bell Mechanical Contractor, Inc.	2,084,000
Pipitone Enterprises, LLC	2,275,000
Leo J Roth Corporation	2,289,300
Crosby-Brownlie, Inc.	2,306,100
John W. Danforth	2,372,000

<u>Electrical Construction</u>	<u>Bid Amount</u>
Billitier Electric, Inc.	\$1,318,100
McMullen Bishop Inc.	1,325,560
Concord Electric Corp.	1,350,000
North Coast Electrical Solutions LLC	1,430,199
Hewitt Young Electric LLC	1,514,600
Mylerson Electric, Inc.	1,685,772

The bids have been reviewed and Testa Construction Inc., Postler & Jaeckle Corp., Landry Mechanical Contractors Inc., and Billitier Electric, Inc. have been determined to be the lowest responsible bidders pursuant to General Municipal Law §103.

**The specific legislative actions required are:**

1. Authorize the County Executive, or his designee, to execute a contract with Testa Construction Inc., 3 Carrington Drive, Rochester, New York 14626 in the amount of \$2,412,500 for general construction for the Monroe Community College Finger Lakes Workforce Development Center Project, and any amendments necessary to complete the project within the total capital fund(s) appropriation.
2. Authorize the County Executive, or his designee, to execute a contract with Postler & Jaeckle Corp., 615 South Avenue Rochester, New York 14620, in the amount of \$483,700 for plumbing construction for the Monroe Community College Finger Lakes Workforce Development Center Project, and any amendments necessary to complete the project within the total capital fund(s) appropriation.
3. Authorize the County Executive, or his designee, to execute a contract with Landry Mechanical Contractors Inc., 164 Flint Hill Road, LeRoy, New York 14482, in the amount of \$1,968,700 for mechanical and heating, ventilation, and air conditioning construction for the Monroe Community College Finger Lakes Workforce Development Center Project, and any amendments necessary to complete the project within the total capital fund(s) appropriation.
4. Authorize the County Executive, or his designee, to execute a contract with Billitier Electric, Inc., 760 Brooks Avenue, Rochester, New York 14619 in the amount of \$1,318,100, for electrical construction, for the Monroe Community College Finger Lakes Workforce Development Center Project, and any amendments necessary to complete the project within the total capital fund(s) appropriation.

This action is a Type II Action pursuant to 6 NYCRR § 617.5(c)(2) ("replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, unless such action meets or exceeds any of the thresholds in section 617.4 of this Part") and is not subject to further review under the State Environmental Quality Review Act.

Funding for this project, consistent with authorized uses, is included in capital fund 1939 and any capital fund(s) created for the same intended purpose. No additional net County support is required in the current Monroe County budget.

The records in the Office of the Monroe County Treasury have indicated that neither Testa Construction, Inc., Postler & Jaeckle Corp., Landry Mechanical Contractors, Inc., Billitier Electric, Inc., nor any of their principal officers, owe any delinquent Monroe County property taxes. The principal officers of the firms are:

Testa Construction Inc.  
Raymond Testa, President

Postler & Jaeckle Corp.  
Erich K. Postler, Chief Executive Officer

Landry Mechanical Contractors Inc.  
James F. Landry, President

Billitier Electric, Inc.  
Ronald D. Billitier, President

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

AJB:db

Intro. No. \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_ OF 2021

**AUTHORIZING CONTRACTS WITH TESTA CONSTRUCTION INC., POSTLER & JAECKLE CORP., LANDRY MECHANICAL CONTRACTORS INC., AND BILLITIER ELECTRIC, INC. FOR MONROE COMMUNITY COLLEGE FINGER LAKES WORKFORCE DEVELOPMENT CENTER PROJECT**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. The County Executive, or his designee, is hereby authorized to execute a contract with Testa Construction Inc. in the amount of \$2,412,500 for general construction for the Monroe Community College Finger Lakes Workforce Development Center Project, and any amendments necessary to complete the project within the total capital fund(s) appropriation.

Section 2. The County Executive, or his designee, is hereby authorized to execute a contract with Postler & Jaekle Corp. in the amount of \$483,700 for plumbing construction for the Monroe Community College Finger Lakes Workforce Development Center Project, and any amendments necessary to complete the project within the total capital fund(s) appropriation.

Section 3. The County Executive, or his designee, is hereby authorized to execute a contract with Landry Mechanical Contractors Inc. in the amount of \$1,968,700 for mechanical and heating, ventilation, and air conditioning construction for the Monroe Community College Finger Lakes Workforce Development Center Project, and any amendments necessary to complete the project within the total capital fund(s) appropriation.

Section 4. The County Executive, or his designee, is hereby authorized to execute a contract with Billitier Electric, Inc. in the amount of \$1,318,100 for electrical construction for the Monroe Community College Finger Lakes Workforce Development Center Project, and any amendments necessary to complete the project within the total capital fund(s) appropriation.

Section 5. Funding for this project, consistent with authorized uses, is included in capital fund 1939 and any capital fund(s) created for the same intended purpose.

Section 6. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0132

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_



**ATTACHMENTS:**

	<b>Description</b>	<b>File Name</b>	<b>Type</b>
▢	<b>Referral</b>	<b>R21-0133.pdf</b>	<b>Referral Letter</b>
▢	<b>Resolution</b>	<b>ITEM_20.pdf</b>	<b>Resolution</b>



Office of the County Executive

Monroe County, New York

Adam J. Bello
County Executive

April 9, 2021

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Committee Assignment
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WAYS & MEANS

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

Subject: Amend the 2021-2026 Capital Improvement Program and the 2021 Capital Budget to Add a Project Entitled "Space Utilization and Renovation of CityPlace" and Authorize Financing for the Project

Honorable Legislators:

I recommend that Your Honorable Body amend the 2021-2026 Capital Improvement Program and the 2021 Capital Budget to add a project entitled "Space Utilization and Renovation of CityPlace" in the amount of \$9,000,000, and authorize financing for the project in the amount of \$9,000,000.

The Department of Environmental Services, in conjunction with the Division of Real Property Tax Services, performed a space utilization analysis in 2017, with a focus on the office space and functions in the Executive Building (36 West Main Street), CityPlace (50 West Main Street), and the Wegman Building (80 West Main Street). A goal of the space utilization study was to maximize the occupancy of owned office space versus leased office space. Based on the amount of office space that the occupants of the Wegman Building (leased) require, and the availability of office space in CityPlace (owned), this project will identify and renovate the necessary office space in CityPlace in order to relocate staff of the Conflict Defender's Office, Pre-Trial Services, and the Office of Mental Health from the Wegman Building to CityPlace.

This project was considered and approved by the Monroe County Planning Board on March 25, 2021.

The specific legislative actions required are:

- 1. Amend the 2021-2026 Capital Improvement Program to add a project entitled "Space Utilization and Renovation of CityPlace" in the amount of \$9,000,000.
2. Amend the 2021 Capital Budget to add a project entitled "Space Utilization and Renovation of CityPlace" in the amount of \$9,000,000.
3. Authorize financing for the project entitled "Space Utilization and Renovation of CityPlace" in the amount of \$9,000,000.

This action is a Type II Action pursuant to 6 NYCRR §617.5(c)(1) (“maintenance or repair involving no substantial changes in an existing structure or facility”) and (2) (“replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part”) and is not subject to further review under the State Environmental Quality Review Act.

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

AJB:db



20.

By Legislators Dondorfer and Delehanty

Intro. No. \_\_\_\_

RESOLUTION NO. \_\_\_\_ OF 2021

**AMENDING 2021-2026 CAPITAL IMPROVEMENT PROGRAM TO ADD PROJECT ENTITLED "SPACE UTILIZATION AND RENOVATION OF CITYPLACE"**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. The 2021-2026 Capital Improvement Program is hereby amended to add a project entitled "Space Utilization and Renovation of CityPlace" in the amount of \$9,000,000.

Section 2. Funding for this project, consistent with authorized uses, will be included in the capital fund to be created and any other capital fund(s) created for the same intended purpose.

Section 3. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 26-2  
File No. 21-0133

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_



**ATTACHMENTS:**

	<b>Description</b>	<b>File Name</b>	<b>Type</b>
▢	<b>Referral</b>	<b>R21-0133.pdf</b>	<b>Referral Letter</b>
▢	<b>Resolution</b>	<b>ITEM_21.pdf</b>	<b>Resolution</b>



Office of the County Executive

Monroe County, New York

Adam J. Bello
County Executive

April 9, 2021

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

Subject: Amend the 2021-2026 Capital Improvement Program and the 2021 Capital Budget to Add a Project Entitled "Space Utilization and Renovation of CityPlace" and Authorize Financing for the Project

Honorable Legislators:

I recommend that Your Honorable Body amend the 2021-2026 Capital Improvement Program and the 2021 Capital Budget to add a project entitled "Space Utilization and Renovation of CityPlace" in the amount of \$9,000,000, and authorize financing for the project in the amount of \$9,000,000.

The Department of Environmental Services, in conjunction with the Division of Real Property Tax Services, performed a space utilization analysis in 2017, with a focus on the office space and functions in the Executive Building (36 West Main Street), CityPlace (50 West Main Street), and the Wegman Building (80 West Main Street). A goal of the space utilization study was to maximize the occupancy of owned office space versus leased office space. Based on the amount of office space that the occupants of the Wegman Building (leased) require, and the availability of office space in CityPlace (owned), this project will identify and renovate the necessary office space in CityPlace in order to relocate staff of the Conflict Defender's Office, Pre-Trial Services, and the Office of Mental Health from the Wegman Building to CityPlace.

This project was considered and approved by the Monroe County Planning Board on March 25, 2021.

The specific legislative actions required are:

- 1. Amend the 2021-2026 Capital Improvement Program to add a project entitled "Space Utilization and Renovation of CityPlace" in the amount of \$9,000,000.
2. Amend the 2021 Capital Budget to add a project entitled "Space Utilization and Renovation of CityPlace" in the amount of \$9,000,000.
3. Authorize financing for the project entitled "Space Utilization and Renovation of CityPlace" in the amount of \$9,000,000.

This action is a Type II Action pursuant to 6 NYCRR §617.5(c)(1) (“maintenance or repair involving no substantial changes in an existing structure or facility”) and (2) (“replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part”) and is not subject to further review under the State Environmental Quality Review Act.

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

AJB:db

By Legislators Dondorfer and Delehanty

Intro. No. \_\_\_\_

RESOLUTION NO. \_\_\_\_ OF 2021

BOND RESOLUTION DATED MAY 11, 2021

**RESOLUTION AUTHORIZING THE ISSUANCE OF \$9,000,000 BONDS OF THE COUNTY OF MONROE, NEW YORK, TO FINANCE THE COST OF SPACE UTILIZATION AND RENOVATION OF CITYPLACE IN AND FOR SAID COUNTY, AT AN ESTIMATED MAXIMUM COST OF \$9,000,000**

BE IT RESOLVED BY THE AFFIRMATIVE VOTE OF NOT LESS THAN TWO-THIRDS OF THE TOTAL VOTING STRENGTH OF THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. For the object or purpose of financing the cost of Space Utilization and Renovation of CityPlace, in and for the County of Monroe, New York (the "County"), there are hereby authorized to be issued \$9,000,000 bonds of the County, pursuant to the provisions of the Local Finance Law. The duly adopted current Capital Budget of the County, to the extent inconsistent herewith, is hereby amended to provide for the appropriation of the amount hereby authorized to pay the cost of the aforesaid specific object or purpose. The period of probable usefulness of the aforesaid specific object or purpose is twenty-five (25) years, pursuant to subdivision 12(a)(1) of paragraph a of Section 11.00 of the Local Finance Law.

Section 2. The maximum estimated cost thereof is \$9,000,000, and the plan for the financing thereof is by the issuance of \$9,000,000 bonds of said County herein authorized; provided, however, that to the extent any state and/or federal aid and/or grant and/or gift is received for the aforesaid purpose, such aid shall be used to redeem any outstanding indebtedness incurred for such purpose or shall be applied, dollar for dollar, to reduce the amount of bonds to be issued for such purpose.

Section 3. The faith and credit of the County are hereby irrevocably pledged for the payment of the principal of and interest on such obligations 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 obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell the bonds and 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 Director of Finance - Chief Financial Officer, the chief fiscal officer of the County under the Local Finance Law. The Director of Finance - Chief Financial Officer may sell such bonds or notes at public or private sale, at a discount or premium, at fixed or variable rates of interest or at no interest whatsoever, or as capital appreciation bonds, and with such amortization of principal as the Director of Finance - Chief Financial Officer shall determine is most favorable to the County, and in compliance with any rules of the State Comptroller applicable thereto. Such bonds or notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Director of Finance - Chief Financial Officer, consistent with the provisions of the Local Finance Law. The Director of Finance - Chief Financial Officer may, in the event it is determined to issue variable rate bonds or notes, enter into such agreements as said officer finds reasonable to facilitate the issuance, sale, resale and repurchase of such bonds or notes, as authorized under Section 54.90 of the Local Finance Law.

The Director of Finance - Chief Financial Officer is also authorized to enter into such agreements and take such other action as may be necessary or appropriate and lawful to assure that, to the extent possible, (i) interest on the bonds and notes authorized hereby will not be includable in the gross income, for federal income tax purposes, of the recipients thereof, and (ii) to enable the purchaser thereof to comply with Securities and Exchange Commission Rule 15c2-12. The Director of Finance - Chief Financial Officer is hereby further delegated all powers of this County Legislature with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for such bonds or notes, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

Section 5. All other matters, except as provided herein, relating to such bonds or notes, including prescribing whether manual or facsimile signatures shall appear on said bonds or notes, prescribing the method for the recording of ownership of said bonds or notes, appointing the fiscal agent or agents for said bonds or notes, providing for the printing and delivery of said bonds or notes (and if said bonds or notes are to be executed in the name of the County by only facsimile signatures, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, form, denominations, maturities, interest rate or rates, terms of and manner of sale and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Director of Finance - Chief Financial Officer. The Director of Finance - Chief Financial Officer may elect to become the fiscal agent for the bonds or notes, or may contract on behalf of the County for this service pursuant to the Local Finance Law. Such bonds or notes 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 52.00 of the Local Finance Law, as the Director of Finance - Chief Financial Officer shall determine.

Section 6. The validity of such bonds and bond anticipation notes, as authorized by this resolution, may be contested only if:

- 1) such obligations are authorized for an object or purpose for which said County 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 (20) days after the date of such publication, or
- 3) such obligations are authorized in violation of the provisions of the Constitution.

Section 7. This resolution shall constitute a statement of official intent for purposes of Section 1.150-2 of the Treasury Regulations. 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 objects or purposes described herein.

Section 8. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter and the Clerk of the Legislature is hereby authorized and directed to publish this resolution or a summary hereof to be published, together with a notice attached in substantially the form and in the manner prescribed by Section 81.00 of the Local Finance Law.

Committee of the Whole; April 27, 2021 - CV: 26-2  
File No. 21-0133.br

21.3

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_



**ATTACHMENTS:**

	<b>Description</b>	<b>File Name</b>	<b>Type</b>
▢	<b>Referral</b>	<b>R21-0134.pdf</b>	<b>Referral Letter</b>
▢	<b>Resolution</b>	<b>ITEM_22.pdf</b>	<b>Resolution</b>



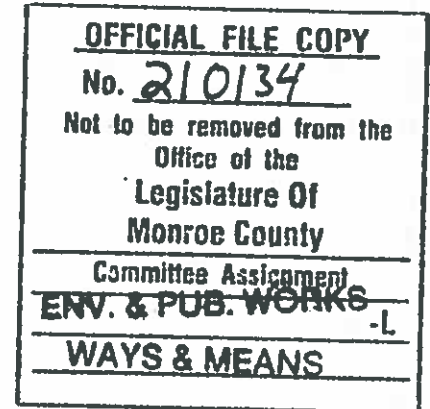


# Office of the County Executive

Monroe County, New York

Adam J. Bello  
County Executive

April 20, 2021



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

Subject: Acceptance of Grants from the New York State Department of Environmental Conservation for the Zero Emission Vehicle Infrastructure Project

Honorable Legislators:

I recommend that Your Honorable Body accept grants from the New York State Department of Environmental Conservation ("NYSDEC") in the total amount of \$204,000 for the Zero Emission Vehicle Infrastructure Project.

Monroe County was awarded these grants as part of an initiative by the NYSDEC to increase the number of Zero Emission Vehicles ("ZEV") on the road by installing charging stations throughout the State.

The program, led by the Monroe County Department of Environmental Services, will involve installing ZEV charging stations at various County facilities for use by both the County and the public. The grants require that the stations be Level 2 Charging Stations, which equate to a full-vehicle charge in eight (8) hours. Dual charging stations will be installed at up to five (5) of the following sites: Frontier Field/MCC Downtown Campus Parking Lot, CityPlace, Monroe Community Hospital, 111 Westfall, and the Seneca Park Zoo. This is the first time the County has received these grants.

**The specific legislative actions required are:**

1. Authorize the County Executive, or his designee, to accept grants in the total amount of \$204,000 from the New York State Department of Environmental Conservation for the Zero Emission Vehicle Infrastructure Project.
2. Amend the 2021 operating budget of the Department of Environmental Services by appropriating the sum of \$204,000 into internal services fund 9020, funds center 8675010000 Fleet Maintenance.

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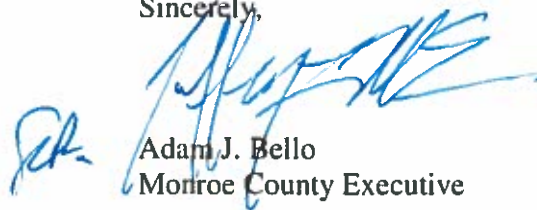
3. Authorize the County Executive to appropriate any subsequent years of the grant awards in accordance with the grant terms, to reappropriate any unencumbered balances during the grant period according to the grantor requirements, and to make any necessary funding modifications within the grant guidelines to meet contractual commitments.
4. Should funding of this program be modified or terminated for any reason, the County Executive is hereby authorized to terminate or modify the program and, where applicable, to terminate or abolish some or all positions funded under such program. Any termination or abolishment of positions shall be in accordance with New York State Civil Service Law and, when applicable, the terms of any labor agreement affecting such positions.

This action is a Type II Action pursuant to 6 NYCRR § 617.5(c)(3) (“retrofit of an existing structure and its appurtenant areas to incorporate green infrastructure”) and (9) (“construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities”) and is not subject to further review under the State Environmental Quality Review Act.

These grants require a 20% local match. Funding for this match is included in the 2021 operating budget of the Department of Environmental Services, internal services fund 9020, funds center 8675010000, Fleet Maintenance. No additional net County support is required in 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

AJB:db

See Substitution

Office of the County Executive

Monroe County, New York



Adam J. Bello  
County Executive

April 9, 2021

<b>OFFICIAL FILE COPY</b>
No. <u>210134</u>
Not to be removed from the Office of the Legislature Of Monroe County
Committee Assignment
<b>ENV. &amp; PUB. WORKS</b>
<b>WAYS &amp; MEANS</b>

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

Subject: Acceptance of Grants from the New York State Department of Environmental Conservation for the Zero Emission Vehicle Infrastructure Project

Honorable Legislators:

I recommend that Your Honorable Body accept grants from the New York State Department of Environmental Conservation ("NYSDEC") in the total amount of \$204,000 for the Zero Emission Vehicle Infrastructure Project.

Monroe County was awarded these grants as part of an initiative by the NYSDEC to increase the number of Zero Emission Vehicles ("ZEV") on the road by installing charging stations throughout the State.

The program, led by the Monroe County Department of Environmental Services, will involve installing ZEV charging stations at various County facilities for use by both the County and the public. The grants require that the stations be Level 2 Charging Stations, which equate to a full-vehicle charge in eight (8) hours. Dual charging stations will be installed at up to five (5) of the following sites: Frontier Field/MCC Downtown Campus Parking Lot, CityPlace, Monroe Community Hospital, 111 Westfall, and the Seneca Park Zoo. This is the first time the County has received these grants.

**The specific legislative actions required are:**

1. Authorize the County Executive, or his designee, to accept grants in the total amount of \$204,000 from the New York State Department of Environmental Conservation for the Zero Emission Vehicle Infrastructure Project.
2. Amend the 2021 operating budget of the Department of Environmental Services by appropriating the sum of \$204,000 into internal services fund 9020, funds center 8675010000 Fleet Maintenance.

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3. Authorize the County Executive to appropriate any subsequent years of the grant awards in accordance with the grant terms, to reappropriate any unencumbered balances during the grant period according to the grantor requirements, and to make any necessary funding modifications within the grant guidelines to meet contractual commitments.
4. Should funding of this program be modified or terminated for any reason, the County Executive is hereby authorized to terminate or modify the program and, where applicable, to terminate or abolish some or all positions funded under such program. Any termination or abolishment of positions shall be in accordance with New York State Civil Service Law and, when applicable, the terms of any labor agreement affecting such positions.

This action is a Type II Action pursuant to 6 NYCRR § 617.5(c)(3) (“retrofit of an existing structure and its appurtenant areas to incorporate green infrastructure”) and (9) (“construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities”) and is not subject to further review under the State Environmental Quality Review Act.

These grants require a 25% local match. Funding for this match is included in the 2021 operating budget of the Department of Environmental Services, internal services fund 9020, funds center 8675010000, Fleet Maintenance. No additional net County support is required in 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

AJB:db

By Legislators Dondorfer and Delehanty

Intro. No. \_\_\_\_

RESOLUTION NO. \_\_\_\_ OF 2021

**ACCEPTING GRANTS FROM NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION FOR ZERO EMISSION VEHICLE INFRASTRUCTURE PROJECT**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. The County Executive, or his designee, is hereby authorized to accept grants in the total amount of \$204,000 from the New York State Department of Environmental Conservation for the Zero Emission Vehicle Infrastructure Project.

Section 2. The 2021 operating budget of the Department of Environmental Services is hereby amended by appropriating the sum of \$204,000 into internal services fund 9020, funds center 8675010000 Fleet Maintenance.

Section 3. These grants require a 20% local match. Funding for this match is included in the 2021 operating budget of the Department of Environmental Services, internal services fund 9020, funds center 8675010000, Fleet Maintenance.

Section 4. The County Executive is hereby authorized to appropriate any subsequent years of the grant awards in accordance with the grant terms, to reappropriate any unencumbered balances during the grant period according to the grantor requirements, and to make any necessary funding modifications within the grant guidelines to meet contractual commitments.

Section 5. Should funding for this program be modified or terminated for any reason, the County Executive is hereby authorized to terminate or modify the program and where applicable, to terminate or abolish some or all positions funded under such program. Any termination or abolishment of positions shall be in accordance with New York State Civil Service Law, and when applicable, the terms of any labor agreement affecting such positions.

Section 6. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0134

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_



**ATTACHMENTS:**

	<b>Description</b>	<b>File Name</b>	<b>Type</b>
▢	<b>Referral</b>	<b>R21-0135.pdf</b>	<b>Referral Letter</b>
▢	<b>Resolution</b>	<b>ITEM_23.pdf</b>	<b>Resolution</b>



Office of the County Executive  
Monroe County, New York

Adam J. Bello  
County Executive

April 9, 2021

<b>OFFICIAL FILE COPY</b>
No. <u>210135</u>
Not to be removed from the Office of the Legislature Of Monroe County
Committee Assignment
<b>PUBLIC SAFETY -L</b>
<b>WAYS &amp; MEANS</b>

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

Subject: Amend Resolution 122 of 2017 as Amended by Resolution 113 of 2018 to Extend and Increase the Contract with WorkFit Medical, LLC for Sheriff's Employees' Medical Services

Honorable Legislators:

This matter is being referred to Your Honorable Body at the request of Sheriff Todd K. Baxter.

I recommend that Your Honorable Body amend Resolution 122 of 2017, as amended by Resolution 113 of 2018, to extend the second renewal term of the contract with WorkFit Medical, LLC for Sheriff's employees' medical services from May 1, 2019 through April 30, 2020, to May 1, 2019 through October 31, 2020, and to increase the amount payable for the second renewal term from an amount not to exceed \$160,000 to an amount not to exceed \$201,000.

This increase is to pay outstanding invoices for additional pre-employment physicals of Monroe County Sheriff's Office Jail Bureau applicants conducted by the vendor during the timeframe.

**The specific legislative action required is to amend Resolution 122 of 2017, as amended by Resolution 113 of 2018, to extend the second renewal term of the contract with WorkFit Medical, LLC for Sheriff's employees' medical services from May 1, 2019 through April 30, 2020, to May 1, 2019 through October 31, 2020, and to increase the amount payable for the second renewal term from an amount not to exceed \$160,000 to an amount not to exceed \$201,000.**

This action is a Type II Action pursuant to 6 NYCRR § 617.5(c)(26) ("routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment") and is not subject to review under the State Environmental Quality Review Act.

Funding for this amendment is included in the 2021 operating budget of the Sheriff's Office, fund 9001, funds center 3806010000. No additional net County support is required in 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

By Legislators Boyce and Delehanty

Intro. No. \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_ OF 2021

AMENDING RESOLUTION 122 OF 2017 AS AMENDED BY RESOLUTION 113 OF 2018  
EXTENDING AND INCREASING CONTRACT WITH WORKFIT MEDICAL, LLC FOR  
SHERIFF'S EMPLOYEES' MEDICAL SERVICES

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. Section 1 of Resolution 122 of 2017, as amended by Resolution 113 of 2018, is amended as follows:

The County Executive, or ~~her~~his designee, is hereby authorized to execute a contract, and any amendments thereto, with WorkFit Medical, LLC, for Sheriff's employees' medical services, in an amount not to exceed \$160,000, for the period of May 1, 2017 through April 30, 2018, with the option to renew for ~~two (2) additional one-year terms, in an amount not to exceed \$160,000 per year~~ the periods of May 1, 2018 through April 30, 2019 in an amount not to exceed \$160,000, and of May 1, 2019 through October 31, 2020 in an amount not to exceed \$201,000.

Section 2. Funding for this amendment is included in the 2021 operating budget of the Sheriff's Office, fund 9001, funds center 3806010000.

Section 3. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0135

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_

Added language is underlined  
Deleted language is ~~stricken~~





**ATTACHMENTS:**

	<b>Description</b>	<b>File Name</b>	<b>Type</b>
▢	<b>Referral</b>	<b>R21-0136.pdf</b>	<b>Referral Letter</b>
▢	<b>Resolution</b>	<b>ITEM_24.pdf</b>	<b>Resolution</b>



# Office of the County Executive

Monroe County, New York

Adam J. Bello  
County Executive

April 9, 2021

<b>OFFICIAL FILE COPY</b>
No. <u>210136</u>
Not to be removed from the Office of the Legislature Of Monroe County
Committee Assignment
<b>PUBLIC SAFETY &amp; WAYS &amp; MEANS</b>

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

Subject: Authorize a Contract with Roberts Wesleyan College for Rochester Threat Advisory Committee Program Management

Honorable Legislators:

This matter is being referred to Your Honorable Body at the request of Sheriff Todd K. Baxter.

I recommend that Your Honorable Body authorize a contract with Roberts Wesleyan College for Rochester Threat Advisory Committee ("ROCTAC") Program Management in an amount not exceed \$117,000 for the period of January 1, 2021 through December 31, 2022.

Roberts Wesleyan College's Justice and Security Institute will provide program management for the ROCTAC. Program Management will allow a central point of information coordination for the ROCTAC Team. Roberts Wesleyan College's Justice and Security Institute will implement a communication, marketing and training plan along with increasing the awareness of ROCTAC in the Community. Roberts Wesleyan College's Justice and Security Institute will also coordinate ROCTAC cases and data collection.

A request for proposals was issued for this contract and Roberts Wesleyan College's Justice and Security Institute was the sole respondent.

**The specific legislative action required is to authorize the County Executive, or his designee, to execute a contract, and any amendments thereto, with Roberts Wesleyan College, 2301 Westside Drive, Rochester, New York 14624 for Rochester Threat Advisory Committee Program Management in the amount of \$117,000 for the period of January 1, 2021 through December 31, 2022.**

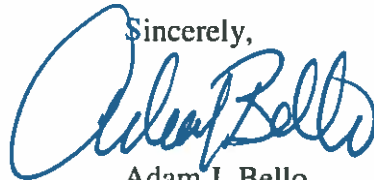
This action is a Type II Action pursuant to 6 NYCRR § 617.5(c)(26) (“routine or continuing agency administration and management, not included new programs or major reordering of priorities that may affect the environment”) and is not subject to further review under the State Environmental Quality Review Act.

Funding for this contract is included in the 2021 Operating Budget of the Sheriff's Office, general fund 9300, funds center 3803010000, Police Bureau Administration. No additional net County support is required in the current Monroe County budget.

Roberts Wesleyan College is a not-for-profit entity, and the records in the Office of the Monroe County Treasury have indicated that it does not owe any delinquent Monroe County property taxes.

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

AJB:jc

By Legislators Boyce and Delehanty

Intro. No. \_\_\_\_

RESOLUTION NO. \_\_\_\_ OF 2021

**AUTHORIZING CONTRACT WITH ROBERTS WESLEYAN COLLEGE FOR ROCHESTER THREAT ADVISORY COMMITTEE PROGRAM MANAGEMENT**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. The County Executive, or his designee, is hereby authorized to execute a contract, and any amendments thereto, with Roberts Wesleyan College for Rochester Threat Advisory Committee Program Management in the amount of \$117,000 for the period of January 1, 2021 through December 31, 2022.

Section 2. Funding for this contract is included in the 2021 Operating Budget of the Sheriff's Office, general fund 9300, funds center 3803010000, Police Bureau Administration.

Section 3. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0136

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_



**ATTACHMENTS:**

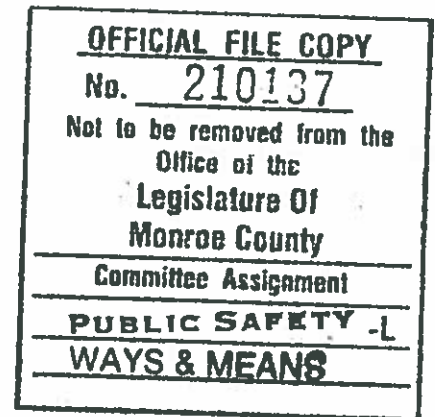
	<b>Description</b>	<b>File Name</b>	<b>Type</b>
▢	<b>Referral</b>	<b>R21-0137.pdf</b>	<b>Referral Letter</b>
▢	<b>Resolution</b>	<b>ITEM_25.pdf</b>	<b>Resolution</b>



# Office of the County Executive

Monroe County, New York

Adam J. Bello  
County Executive



April 9, 2021

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

**Subject:** Acceptance of a Grant from the United States Department of Justice, United States Marshals Service Western District of New York for the United States Marshals Service NY/NJ Regional Fugitive Task Force - Rochester Division

Honorable Legislators:

This matter is being referred to Your Honorable Body at the request of Sheriff Todd K. Baxter.

I recommend that Your Honorable Body accept a grant from the United States Department of Justice, United States Marshals Service ("USMS") Western District of New York in an amount not to exceed \$40,000 for the reimbursement of overtime for the United States Marshals Service New York/New Jersey Regional Fugitive Task Force-Rochester Division for the period of October 1, 2020 through September 30, 2021.

This grant continues to support the collaborative task force with the USMS to investigate, apprehend and arrest violent felony fugitives. The grant will reimburse a portion of the overtime costs associated with the task force services. This will be the twelfth year the County has received this grant. This year's funding represents a \$10,000 decrease from last year.

**The specific legislative actions required are:**

1. Authorize the County Executive, or his designee, to accept a grant in an amount not to exceed \$40,000 and to execute a contract, and any amendments thereto, with the United States Department of Justice, United States Marshals Service Western District of New York for the reimbursement of overtime for the United States Marshals Service New York/New Jersey Regional Fugitive Task Force-Rochester Division for the period of October 1, 2020 through September 30, 2021.

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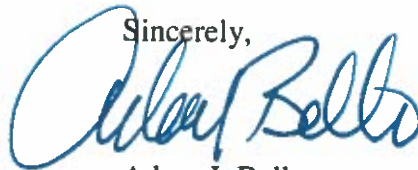
2. Amend the 2021 operating budget of the Office of the Sheriff by appropriating the sum of \$40,000 into general fund 9300, funds center 3803010000, Police Bureau Administration.
3. Authorize the County Executive to appropriate any subsequent years of the grant award in accordance with the grant terms, to reappropriate any unencumbered balances during the grant period according to the grantor requirements, and to make any necessary funding modifications within the grant guidelines to meet contractual commitments.
4. Should funding of this program be modified or terminated for any reason, the County Executive is hereby authorized to terminate or modify the program and, where applicable, to terminate or abolish some or all positions funded under such program. Any termination or abolishment of positions shall be in accordance with New York State Civil Service Law and, when applicable, the terms of any labor agreement affecting such positions.

This action is a Type II Action pursuant to 6 NYCRR § 617.5(c)(26) ("routine or continuing agency administration and management, not included new programs or major reordering of priorities that may affect the environment") and is not subject to further review under the State Environmental Quality Review Act.

This grant is 100% funded by the United States Department of Justice, United States Marshals Service Western District of New York. No additional net County support is required in 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

25.

By Legislators Boyce and Delehanty

Intro. No. \_\_\_\_

RESOLUTION NO. \_\_\_\_ OF 2021

**ACCEPTING GRANT FROM UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES MARSHALS SERVICE WESTERN DISTRICT OF NEW YORK FOR THE UNITED STATES MARSHALS SERVICE NY/NJ REGIONAL FUGITIVE TASK FORCE - ROCHESTER DIVISION**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. The County Executive, or his designee, is hereby authorized to accept a grant in an amount not to exceed \$40,000 and to execute a contract, and any amendments thereto, with the United States Department of Justice, United States Marshals Service Western District of New York for the reimbursement of overtime for the United States Marshals Service New York/New Jersey Regional Fugitive Task Force-Rochester Division for the period of October 1, 2020 through September 30, 2021.

Section 2. The 2021 operating budget of the Office of the Sheriff is hereby amended by appropriating the sum of \$40,000 into general fund 9300, funds center 3803010000, Police Bureau Administration.

Section 3. The County Executive is hereby authorized to appropriate any subsequent years of the grant award in accordance with the grant terms, to reappropriate any unencumbered balances during the grant period according to the grantor requirements, and to make any necessary funding modifications within the grant guidelines to meet contractual commitments.

Section 4. Should funding of this program be modified or terminated for any reason, the County Executive is hereby authorized to terminate or modify the program and, where applicable, to terminate or abolish some or all positions funded under such program. Any termination or abolishment of positions shall be in accordance with New York State Civil Service Law and, when applicable, the terms of any labor agreement affecting such positions.

Section 5. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0137

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_





**ATTACHMENTS:**

	<b>Description</b>	<b>File Name</b>	<b>Type</b>
▢	<b>Referral</b>	<b>R21-0138.pdf</b>	<b>Referral Letter</b>
▢	<b>Resolution</b>	<b>ITEM_26.pdf</b>	<b>Resolution</b>

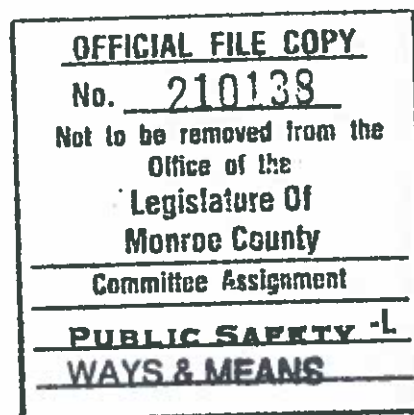


# Office of the County Executive

Monroe County, New York

Adam J. Bello  
County Executive

April 9, 2021



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

**Subject:** Acceptance of a Grant from the New York State Office of Indigent Legal Services for the Offices of the Public Defender and the Conflict Defender for the Provision of Indigent Legal Services

Honorable Legislators:

I recommend that Your Honorable Body accept a grant from the New York State Office of Indigent Legal Services in the amount of \$3,184,755 for the Office of the Monroe County Public Defender and the Office of the Monroe County Conflict Defender for the provision of indigent legal services for the period of January 1, 2021 through December 31, 2023.

The Office of the Public Defender will use the funding for all of the salary costs equivalent to eight (8) existing full-time Assistant Public Defender positions, a paralegal, and an investigator. The Office of the Conflict Defender will use the funding for part or all of the salary costs equivalent to three (3) existing full-time Assistant Conflict Defender positions. We have been notified of the funding amounts for the Office of the Monroe County Public Defender (\$2,342,595) and the Office of the Monroe County Conflict Defender (\$842,160) over a three (3) year period. This is the eleventh year the County has received this grant. This year's funding represents the same amount as the last time the County received this grant.

**The specific legislative actions required are:**

1. Authorize the County Executive, or his designee, to accept a \$3,184,755 grant from, and to execute a contract and any amendments thereto with, the New York State Office of Indigent Legal Services for the Office of the Monroe County Public Defender and the Office of the Monroe County Conflict Defender for the provision of indigent legal services for the period of January 1, 2021 through December 31, 2023.
2. Amend the 2021 operating budget of the Office of the Public Defender by appropriating the sum of \$780,865, into general fund 9300, funds center 2601010000, Public Defender Administration.

3. Amend the 2021 operating budget of the Department of Public Safety by appropriating the sum of \$280,720 into general fund 9300, funds center 2402010000, Legal Representation.
4. Authorize the County Executive to appropriate any subsequent years of the grant award in accordance with the grant terms, to reappropriate any unencumbered balances during the grant period according to the grantor requirements, and to make any necessary funding modifications within the grant guidelines to meet contractual commitments.
5. Should funding of this program be modified or terminated for any reason, the County Executive is hereby authorized to terminate or modify the program and, where applicable, to terminate or abolish some or all positions funded under such program. Any termination or abolishment of positions shall be in accordance with New York State Civil Service Law and, when applicable, the terms of any labor agreement affecting such positions.

This action is a Type II Action pursuant to 6 NYCRR 617.5(c)(26) ("routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment") and is not subject to further review under the State Environmental Quality Review Act.

This grant is 100% funded by the New York State Office of Indigent Legal Services. No net County support is required in 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

AJB:db

10-39

By Legislators Boyce and Delehanty

Intro. No. \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_ OF 2021

**ACCEPTING GRANT FROM NEW YORK STATE OFFICE OF INDIGENT LEGAL SERVICES FOR OFFICES OF PUBLIC DEFENDER AND CONFLICT DEFENDER FOR PROVISION OF INDIGENT LEGAL SERVICES**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. The County Executive, or his designee, is hereby authorized to accept a \$3,184,755 grant from, and to execute a contract and any amendments thereto with, the New York State Office of Indigent Legal Services for the Office of the Monroe County Public Defender and the Office of the Monroe County Conflict Defender for the provision of indigent legal services for the period of January 1, 2021 through December 31, 2023.

Section 2. The 2021 operating budget of the Office of the Public Defender is hereby amended by appropriating the sum of \$780,865, into general fund 9300, funds center 2601010000, Public Defender Administration.

Section 3. The 2021 operating budget of the Department of Public Safety is hereby amended by appropriating the sum of \$280,720 into general fund 9300, funds center 2402010000, Legal Representation.

Section 4. The County Executive is hereby authorized to appropriate any subsequent years of the grant award in accordance with the grant terms, to reappropriate any unencumbered balances during the grant period according to the grantor requirements, and to make any necessary funding modifications within the grant guidelines to meet contractual commitments.

Section 5. Should funding of this program be modified or terminated for any reason, the County Executive is hereby authorized to terminate or modify the program and, where applicable, to terminate or abolish some or all positions funded under such program. Any termination or abolishment of positions shall be in accordance with New York State Civil Service Law and, when applicable, the terms of any labor agreement affecting such positions.

Section 6. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0138

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_



**ATTACHMENTS:**

	<b>Description</b>	<b>File Name</b>	<b>Type</b>
▢	<b>Referral</b>	<b>R21-0139.pdf</b>	<b>Referral Letter</b>
▢	<b>Resolution</b>	<b>ITEM_27.pdf</b>	<b>Resolution</b>



# Office of the County Executive

Monroe County, New York

Adam J. Bello  
County Executive

April 9, 2021

<b>OFFICIAL FILE COPY</b>
No. <u>210139</u>
Not to be removed from the Office of the Legislature Of Monroe County
Committee Assignment
<b>PUBLIC SAFETY -L</b>
<b>WAYS &amp; MEANS</b>

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

**Subject:** Authorize the Creation of Three (3) New Positions in the Public Defender's Office and Authorize the Creation of Nine (9) New Positions in the Conflict Defender's Office as Part of Year 3 Funding of the Statewide Expansion of the Hurrell-Harring Project Grant

Honorable Legislators:

I recommend that Your Honorable Body authorize the creation of three (3) new positions in the Public Defender's Office and nine (9) new positions in the Conflict Defender's Office as part of year 3 funding of the Statewide Expansion of the Hurrell-Harring Project Grant. The three (3) new positions in the Public Defender's Office are as follows: three (3) Public Defender Assistant Grade I, Group 19. The nine (9) new positions in the Conflict Defender's Office are as follows: one (1) Special Assistant Conflict Defender, Group 22; four (4) Assistant Conflict Defender Grade I, Group 18; and four (4) Assistant Conflict Defender Grade II, Group 17.

These positions will be fully funded through the Statewide Expansion Hurrell-Harring Project Grant from the New York State Office of Indigent Legal Services pursuant to Resolution 191 of 2019.

**The specific legislative actions required are:**

1. Authorize the County Executive, or his designee, to create three (3) new positions in the Public Defender's Office as part of year 3 funding of the Statewide Expansion of the Hurrell-Harring Project Grant as follows: three (3) Public Defender Assistant Grade I, Group 19.
2. Authorize the County Executive, or his designee, to create nine (9) new positions in the Conflict Defender's Office and as part of year 3 funding of the Statewide Expansion of the Hurrell-Harring Project Grant as follows: one (1) Special Assistant Conflict Defender, Group 22; four (4) Assistant Conflict Defender Grade I, Group 18; and four (4) Assistant Conflict Defender Grade II, Group 17.

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3. Should funding of this program be modified or terminated for any reason, the County Executive is hereby authorized to terminate or modify the program and, where applicable, to terminate or abolish some or all positions funded under such program. Any termination or abolishment of positions shall be in accordance with New York State Civil Service Law and, when applicable, the terms of any labor agreement affecting such positions.

The legislative action requested in this referral is not an "Action," as that term is defined in 6 by NYCRR § 617.2(b), and is not subject to review under the State Environmental Quality Review Act.

Funding for these positions is included in the 2021 operating budget of the Public Defender's Office, general fund 9300, funds center 2601010000, Public Defender Administration and the 2021 operating budget of the Department of Public Safety, general fund 9300, funds center 2402010000, Legal Representation. No net County support is required in 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

AJB:db

By Legislators Boyce and Delehanty

Intro. No. \_\_\_\_

RESOLUTION NO. \_\_\_\_ OF 2021

**AUTHORIZING CREATION OF THREE (3) NEW POSITIONS IN THE PUBLIC DEFENDER'S OFFICE AND AUTHORIZING CREATION OF NINE (9) NEW POSITIONS IN CONFLICT DEFENDER'S OFFICE AS PART OF YEAR 3 FUNDING OF STATEWIDE EXPANSION OF THE HURRELL-HARRING PROJECT GRANT**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. The County Executive, or his designee, is hereby authorized to create three (3) new positions in the Public Defender's Office as part of year 3 funding of the Statewide Expansion of the Hurrell-Harring Project Grant as follows: three (3) Public Defender Assistant Grade I, Group 19.

Section 2. The County Executive, or his designee, is hereby authorized to create nine (9) new positions in the Conflict Defender's Office and as part of year 3 funding of the Statewide Expansion of the Hurrell-Harring Project Grant as follows: one (1) Special Assistant Conflict Defender, Group 22; four (4) Assistant Conflict Defender Grade I, Group 18; and four (4) Assistant Conflict Defender Grade II, Group 17.

Section 3. Funding for these positions is included in the 2021 operating budget of the Public Defender's Office, general fund 9300, funds center 2601010000, Public Defender Administration and the 2021 operating budget of the Department of Public Safety, general fund 9300, funds center 2402010000, Legal Representation.

Section 4. Should funding of this program be modified or terminated for any reason, the County Executive is hereby authorized to terminate or modify the program and, where applicable, to terminate or abolish some or all positions funded under such program. Any termination or abolishment of positions shall be in accordance with New York State Civil Service Law and, when applicable, the terms of any labor agreement affecting such positions.

Section 5. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0139

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

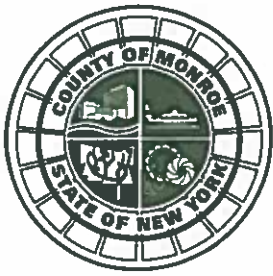
EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_





**ATTACHMENTS:**

	<b>Description</b>	<b>File Name</b>	<b>Type</b>
▢	<b>Referral</b>	<b>R21-0140.pdf</b>	<b>Referral Letter</b>
▢	<b>Resolution</b>	<b>ITEM_28.pdf</b>	<b>Resolution</b>



# Office of the County Executive

Monroe County, New York

Adam J. Bello  
County Executive

April 9, 2021

<b>OFFICIAL FILE COPY</b>
No. <u>210140</u>
Not to be removed from the Office of the Legislature Of Monroe County
Committee Assignment
<b>PUBLIC SAFETY -L</b>
<b>INTRGOV REL</b>
<b>WAYS &amp; MEANS</b>

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

Subject: Authorize an Intermunicipal Agreement with the City of Rochester to Accept Pass Through Funding from the United States Department of Justice for the 2020 Edward Byrne Memorial Justice Assistance Grant Program

Honorable Legislators:

I recommend that Your Honorable Body authorize an intermunicipal agreement with the City of Rochester to accept pass through funding from the United States Department of Justice in the amount of \$64,310 for the 2020 Edward Byrne Memorial Justice Assistance Grant Program for the period of October 1, 2019 through September 30, 2023.

This grant will be used to continue partial funding of the salaries of two (2) Probation Officers who provide increased supervision to high-risk probationers with gang association and a history of violence through Operation Nightwatch. Reduced caseloads allow officers to invest more time in these cases, establish a rapport with the probationer and their families, and work with the probationer to eliminate risk factors associated with recidivism. Unannounced nighttime curfew checks, in collaboration with Rochester Police, provide accountability for Probation conditions. This collaboration brings the Rochester Police Department into homes or locations where the probationer frequents in a different context, and allows them to be part of the restorative process that is inherent in Probation work. This is the twenty-second year that Monroe County has received funding for this program. This cycle's funding represents a decrease of \$7,090 from the previous grant.

**The specific legislative actions required are:**

1. Authorize the County Executive, or his designee, to execute an intermunicipal agreement, and any amendments thereto, with the City of Rochester to accept pass through funding from the United States Department of Justice in the amount of \$64,310 for the 2020 Edward Byrne Memorial Justice Assistance Grant Program for the period of October 1, 2019 through September 30, 2023.

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2. Authorize the County Executive to appropriate any subsequent years of the grant award in accordance with the grant terms, to reappropriate any unencumbered balances during the grant period according to the grantor requirements, and to make any necessary funding modifications within grant guidelines to meet contractual commitments.
3. Should funding of this program be modified or terminated for any reason, the County Executive is hereby authorized to terminate or modify the program and, where applicable, to terminate or abolish some or all positions funded under such program. Any termination or abolishment of positions shall be in accordance with New York State Civil Service Law and, when applicable, the terms of any labor agreement affecting such positions.

This is a Type II action pursuant to 6 NYCRR § 617.5(c)(26) (“routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment”) and is not subject to further review under the State Environmental Quality Review Act.

Funding for this grant is included in the 2021 operating budget of the Department of Public Safety, Office of Probation and Community Corrections, general fund 9001, funds center 2403040000, General Supervision.

This grant is 100% funded by the United States Department of Justice. No additional net County support is required in 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

AJB: db

By Legislators Boyce, Ancello and Delehanty

Intro. No. \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_ OF 2021

**AUTHORIZING INTERMUNICIPAL AGREEMENT WITH CITY OF ROCHESTER TO ACCEPT PASS THROUGH FUNDING FROM UNITED STATES DEPARTMENT OF JUSTICE FOR 2020 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. The County Executive, or his designee, is hereby authorized to execute an intermunicipal agreement, and any amendments thereto, with the City of Rochester to accept pass through funding from the United States Department of Justice in the amount of \$64,310 for the 2020 Edward Byrne Memorial Justice Assistance Grant Program for the period of October 1, 2019 through September 30, 2023.

Section 2. Funding for this grant is included in the 2021 operating budget of the Department of Public Safety, Office of Probation and Community Corrections, general fund 9001, funds center 2403040000, General Supervision.

Section 3. The County Executive is hereby authorized to appropriate any subsequent years of the grant award in accordance with the grant terms, to reappropriate any unencumbered balances during the grant period according to the grantor requirements, and to make any necessary funding modifications within the grant guidelines to meet contractual commitments.

Section 4. Should funding of this program be modified or terminated for any reason, the County Executive is hereby authorized to terminate or modify the program and, where applicable, to terminate or abolish some or all positions funded under such program. Any termination or abolishment of positions shall be in accordance with New York State Civil Service Law and, when applicable, the terms of any labor agreement affecting such positions.

Section 5. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0140

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_



**ATTACHMENTS:**

	<b>Description</b>	<b>File Name</b>	<b>Type</b>
▢	<b>Referral</b>	<b>R21-0141.pdf</b>	<b>Referral Letter</b>
▢	<b>Resolution</b>	<b>ITEM_29.pdf</b>	<b>Resolution</b>



# Office of the County Executive

Monroe County, New York

Adam J. Bello  
County Executive

April 9, 2021

<b>OFFICIAL FILE COPY</b>
No. <u>210141</u>
Not to be removed from the Office of the Legislature Of Monroe County
<b>Committee Assignment</b>
<b>PUBLIC SAFETY -L</b>
<b>WAYS &amp; MEANS</b>

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

**Subject:** Acceptance of a Grant from the United States Department of Justice, Office of Justice Programs, for the FY2020 DNA Capacity Enhancement and Backlog Reduction Program

Honorable Legislators:

I recommend that Your Honorable Body accept a grant from the United States Department of Justice, Office of Justice Programs, in the amount of \$339,396 for the FY2020 DNA Capacity Enhancement and Backlog Reduction Program for the period of October 1, 2020 through September 30, 2022.

The purpose of the DNA Capacity Enhancement and Backlog Reduction Program is to increase the capabilities of the Monroe County Crime Laboratory DNA analysis section by providing supplies for casework, mandatory continuing education in human identification science, maintenance of equipment, and expenses related to the continued accreditation of the Laboratory. This program allows the Laboratory to provide more timely services to the region's law enforcement community and judicial system. This is the fifteenth year that the County has received this grant. This year's funding represents a decrease of \$83,666 from the previous grant.

**The specific legislative actions required are:**

1. Authorize the County Executive, or his designee, to accept a \$339,396 grant from, and to execute a contract and any amendments thereto with, the United States Department of Justice, Office of Justice Programs, for the FY2020 DNA Capacity Enhancement and Backlog Reduction Program for the period of October 1, 2020 through September 30, 2022.
2. Amend the 2021 operating budget of the Department of Public Safety by appropriating the sum of \$339,396 into general fund 9300, funds center 2408040100, Monroe County Crime Laboratory.
3. Authorize the County Executive to appropriate any subsequent years of the grant award in accordance with the grant terms, to reappropriate any unencumbered balances during the grant period according to the grantor requirements, and to make any necessary funding modifications within grant guidelines to meet contractual commitments.

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4. Should funding of this program be modified or terminated for any reason, the County Executive is hereby authorized to terminate or modify the program and, where applicable, to terminate or abolish some or all positions funded under such program. Any termination or abolishment of positions shall be in accordance with New York State Civil Service Law, and when applicable, the terms of any labor agreement affecting such positions.

This action is a Type II Action pursuant to 6 NYCRR 617.5(c)(26) ("routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment") and (31) ("purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, or other hazardous materials") and is not subject to further review under the State Environmental Quality Review Act.

This grant is 100% funded by the United States Department of Justice, Office of Justice Programs. No net County support is required in 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

AJB:db

By Legislators Boyce and Delehanty

Intro. No. \_\_\_\_

RESOLUTION NO. \_\_\_\_ OF 2021

**ACCEPTING GRANT FROM UNITED STATES DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, FOR FY2020 DNA CAPACITY ENHANCEMENT AND BACKLOG REDUCTION PROGRAM**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. The County Executive, or his designee, is hereby authorized to accept a \$339,396 grant from, and to execute a contract and any amendments thereto with, the United States Department of Justice, Office of Justice Programs, for the FY2020 DNA Capacity Enhancement and Backlog Reduction Program for the period of October 1, 2020 through September 30, 2022.

Section 2. The 2021 operating budget of the Department of Public Safety is hereby amended by appropriating the sum of \$339,396 into general fund 9300, funds center 2408040100, Monroe County Crime Laboratory.

Section 3. The County Executive is hereby authorized to appropriate any subsequent years of the grant award in accordance with the grant terms, to reappropriate any unencumbered balances during the grant period according to the grantor requirements, and to make any necessary funding modifications within the grant guidelines to meet contractual commitments.

Section 4. Should funding of this program be modified or terminated for any reason, the County Executive is hereby authorized to terminate or modify the program and, where applicable, to terminate or abolish some or all positions funded under such program. Any termination or abolishment of positions shall be in accordance with New York State Civil Service Law and, when applicable, the terms of any labor agreement affecting such positions.

Section 5. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0141

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_





**ATTACHMENTS:**

	<b>Description</b>	<b>File Name</b>	<b>Type</b>
▢	<b>Referral</b>	<b>R21-0142.pdf</b>	<b>Referral Letter</b>
▢	<b>Resolution</b>	<b>ITEM_30.pdf</b>	<b>Resolution</b>

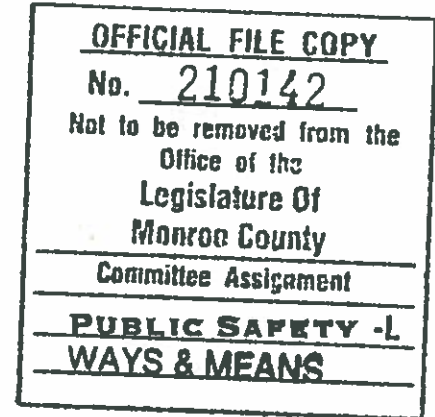


# Office of the County Executive

Monroe County, New York

Adam J. Bello  
County Executive

April 9, 2021



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

Subject: Acceptance of a Grant from the New York State Division of Homeland Security and Emergency Services for the FY2020 State Law Enforcement Terrorism Prevention Program

Honorable Legislators:

This matter is being referred to Your Honorable Body at the request of Sheriff Todd K. Baxter.

I recommend that Your Honorable Body accept a grant from the New York State Division of Homeland Security and Emergency Services in the amount of \$454,500 for the FY2020 State Law Enforcement Terrorism Prevention Program ("SLETPP") for the period of September 1, 2020 through August 31, 2023.

This grant provides funding for preparedness and prevention activities for terrorist events using weapons of mass destruction involving chemical, biological, radiological, nuclear, and explosive materials. Funds will be used to purchase special operations team equipment and provide training (including backfill and overtime costs) for the Monroe County Sheriff's Office SWAT, Bomb, K9, SCUBA, Crisis Negotiation Team, Rescue Task Force, and Crime Scene Investigation teams. This is the thirteenth year the County has received a SLETPP grant. This year's funding represents an increase of \$329,550.

#### The specific legislative actions required are:

1. Authorize the County Executive, or his designee, to accept a \$170,000 grant from, and to execute a contract and any amendments thereto with, the New York State Division of Homeland Security and Emergency Services for the FY2020 State Law Enforcement Terrorism Prevention Program for the period of September 1, 2020 through August 31, 2023.
2. Amend the 2021 operating budget of the Department of Public Safety by appropriating the sum of \$170,000 into general fund 9300, funds center 2408030100, Office of Emergency Management.
3. Authorize the County Executive, or his designee, to approve and accept a \$284,500 grant from, and to execute a contract and any amendments thereto with, the New York State Division of Homeland Security and Emergency Services for the FY2020 State Law Enforcement Terrorism Prevention Program for the period of September 1, 2020 through August 31, 2023.

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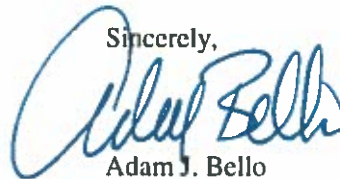
4. Amend the 2021 operating budget of the Office of the Sheriff by appropriating the sum of \$284,500 into general fund 9300, funds center 3803010000, Police Bureau Administration.
5. Authorize the County Executive to appropriate any subsequent years of the grant awards in accordance with the grant terms, to reappropriate any unencumbered balances during the grant periods according to the grantor requirements and to make any necessary funding modifications within grant guidelines to meet contractual requirements.
6. Should funding of these programs be modified or terminated for any reason, the County Executive is hereby authorized to terminate or modify the programs and, where applicable, to terminate or abolish some or all positions funded under such program. Any termination or abolishment of positions shall be in accordance with New York State Civil Service Law and, when applicable, the terms of any labor agreement affecting such positions.

This action is a Type II Action pursuant to 6 NYCRR § 617.5(c)(26) ("routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment") and (31) ("purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, or other hazardous materials") and is not subject to further review under the State Environmental Quality Review Act.

This grant is 100% funded by the Federal Department of Homeland Security (administered by the New York State Division of Homeland Security and Emergency Services). No net County support is required in 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

AJB:db

By Legislators Boyce and Delehanty

Intro. No. \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_ OF 2021

**ACCEPTING GRANT FROM NEW YORK STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES FOR FY2020 STATE LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. The County Executive, or his designee, is hereby authorized to accept a \$170,000 grant from, and to execute a contract and any amendments thereto with, the New York State Division of Homeland Security and Emergency Services for the FY2020 State Law Enforcement Terrorism Prevention Program for the period of September 1, 2020 through August 31, 2023.

Section 2. The 2021 operating budget of the Department of Public Safety is hereby amended by appropriating the sum of \$170,000 into general fund 9300, funds center 2408030100, Office of Emergency Management.

Section 3. The County Executive, or his designee, is hereby authorized to approve and accept a \$284,500 grant from, and to execute a contract and any amendments thereto with, the New York State Division of Homeland Security and Emergency Services for the FY2020 State Law Enforcement Terrorism Prevention Program for the period of September 1, 2020 through August 31, 2023.

Section 4. The 2021 operating budget of the Office of the Sheriff is hereby amended by appropriating the sum of \$284,500 into general fund 9300, funds center 3803010000, Police Bureau Administration.

Section 5. The County Executive is hereby authorized to appropriate any subsequent years of the grant awards in accordance with the grant terms, to reappropriate any unencumbered balances during the grant periods according to the grantor requirements, and to make any necessary funding modifications within grant guidelines to meet contractual requirements.

Section 6. Should funding of these programs be modified or terminated for any reason, the County Executive is hereby authorized to terminate or modify the program and, where applicable, to terminate or abolish some or all positions funded under such program. Any termination or abolishment of positions shall be in accordance with New York State Civil Service Law and, when applicable, the terms of any labor agreement affecting such positions.

Section 7. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0142

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_



**ATTACHMENTS:**

	<b>Description</b>	<b>File Name</b>	<b>Type</b>
▢	<b>Referral</b>	<b>R21-0143.pdf</b>	<b>Referral Letter</b>
▢	<b>Resolution</b>	<b>ITEM_31.pdf</b>	<b>Resolution</b>



# Office of the County Executive

Monroe County, New York

Adam J. Bello  
County Executive

April 9, 2021

<b>OFFICIAL FILE COPY</b>
No. <u>210143</u>
Not to be removed from the Office of the Legislature Of Monroe County
Committee Assignment
<b>PUBLIC SAFETY -L</b>
<b>WAYS &amp; MEANS</b>

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

**Subject:** Authorize a Contract with the University of Rochester for Continuing Development and Sustainment of the County's Medical Countermeasure Program

Honorable Legislators:

I recommend that Your Honorable Body authorize a contract with the University of Rochester in an amount not to exceed \$60,000 for continuing development and sustainment of the County's Medical Countermeasure Program for the period of July 1, 2021 through February 28, 2022.

This contract will support the County's Medical Countermeasure Program through which the Monroe County Department of Public Health provides public health emergency preparedness program administration, planning, logistics, and operations development and implementation (including PODs, mass vaccination clinics, and other preparedness drills and exercises). The University of Rochester will provide: support of exercise and drill development and implementation; communication and information management activities; Monroe County Department of Public Health staff and partner training; and completion of other related projects and activities as determined by the Program Manager of the Office of Public Health Preparedness.

A Request for Qualifications was issued for this contract with the University of Rochester the sole responder.

**The specific legislative action required** is to authorize the County Executive, or his designee, to execute a contract, and any amendments thereto, with the University of Rochester, 601 Elmwood Avenue, Rochester, New York 14642, for the continuing development and sustainment of the County's Medical Countermeasure Program in an amount not to exceed \$60,000 for the period of July 1, 2021 through February 28, 2022.

This action is a Type II Action pursuant to 6 NYCRR 617.5(c)(26) ("routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment") and is not subject to further review under the State Environmental Quality Review Act.

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Funding for this contract is included in the 2021 operating budget of the Department of Public Safety, general fund 9300, funds center 2408030100, Office of Emergency Management. No additional net County support is required in the current Monroe County budget.

The University of Rochester is a not-for-profit entity, and the records in the Office of the Monroe County Treasury have indicated that it does not owe any delinquent Monroe County Property taxes.

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

AJB:db

By Legislators Boyce and Delehanty

Intro. No. \_\_\_\_

RESOLUTION NO. \_\_\_\_ OF 2021

**AUTHORIZING CONTRACT WITH UNIVERSITY OF ROCHESTER FOR CONTINUING DEVELOPMENT AND SUSTAINMENT OF COUNTY'S MEDICAL COUNTERMEASURE PROGRAM**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. The County Executive, or his designee, is hereby authorized to execute a contract, and any amendments thereto, with the University of Rochester for the continuing development and sustainment of the County's Medical Countermeasure Program in an amount not to exceed \$60,000 for the period of July 1, 2021 through February 28, 2022.

Section 2. Funding for this contract is included in the 2021 operating budget of the Department of Public Safety, general fund 9300, funds center 2408030100, Office of Emergency Management.

Section 3. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0143

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_





**ATTACHMENTS:**

	<b>Description</b>	<b>File Name</b>	<b>Type</b>
▢	<b>Referral</b>	<b>R21-0144.pdf</b>	<b>Referral Letter</b>
▢	<b>Resolution</b>	<b>ITEM_32.pdf</b>	<b>Resolution</b>

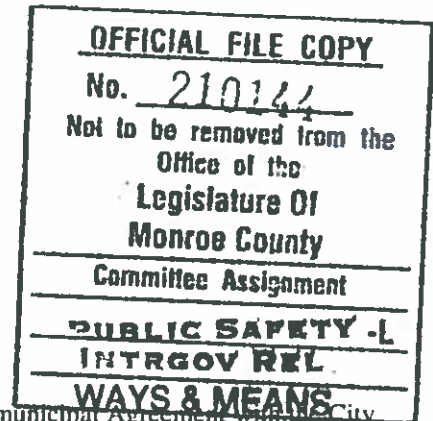


Office of the County Executive

Monroe County, New York

Adam J. Bello
County Executive

April 9, 2021



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

Subject: Amend Resolution 284 of 2020 to Extend the Time Period of the Intermunicipal Agreement with the City of Rochester for the FY2016 Complex Coordinated Terrorist Attack Grant

Honorable Legislators:

I recommend that Your Honorable Body amend Resolution 284 of 2020 to extend the time period of the intermunicipal agreement with the City of Rochester for the FY2016 Complex Coordinated Terrorist Attack ("CCTA") Grant Program for one (1) year, through May 31, 2022.

This grant provides funding to enhance preparedness and build capacity to prepare for, prevent, and respond to complex coordinated terrorist attacks. Monroe County works collaboratively with the City of Rochester in response and recovery of such events. Funds will be used to cover backfill and overtime costs incurred by the City of Rochester resulting from CCTA exercise development and participation.

Funding for this grant was accepted by Your Honorable Body in Resolution 169 of 2018.

The specific legislative action required is to amend Resolution 284 of 2020 to extend the time period of the intermunicipal agreement with the City of Rochester for one (1) year, through May 31, 2022, for the FY2016 Complex Coordinated Terrorist Attack Grant Program.

This action is a Type II Action pursuant to 6 NYCRR § 617.5(c)(26) ("routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment") and is not subject to review under the State Environmental Quality Review Act.

Funding for this agreement is included in the 2021 operating budget of the Department of Public Safety, general fund 9300, funds center 2408030100, Office of Emergency Management. No additional net County support is required in 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
[Handwritten signature of Adam J. Bello]

Adam J. Bello
Monroe County Executive

AJB:db

By Legislators Boyce, Ancello and Delehanty

Intro. No. \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_ OF 2021

**AMENDING RESOLUTION 284 OF 2020 TO EXTEND TIME PERIOD OF INTERMUNICIPAL AGREEMENT WITH CITY OF ROCHESTER FOR FY2016 COMPLEX COORDINATED TERRORIST ATTACK GRANT**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. Section 1 of Resolution 284 of 2020 is amended as follows:

The County Executive, or his designee, is hereby authorized to execute an intermunicipal agreement, and any amendments thereto, with the City of Rochester in an amount not to exceed \$8,250, as reimbursement to the Rochester Police Department for participation in the County's FY2016 Complex Coordinated Terrorist Attack Grant Program, for the period of August 1, 2020 through May 31, 2021-2022.

Section 2. Funding for this agreement is included in the 2021 operating budget of the Department of Public Safety, general fund 9300, funds center 2408030100, Office of Emergency Management.

Section 3. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0144

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_

Added language is underlined  
Deleted language is ~~stricken~~



**ATTACHMENTS:**

	<b>Description</b>	<b>File Name</b>	<b>Type</b>
▢	<b>Referral</b>	<b>R21-0145.pdf</b>	<b>Referral Letter</b>
▢	<b>Resolution</b>	<b>ITEM_33.pdf</b>	<b>Resolution</b>

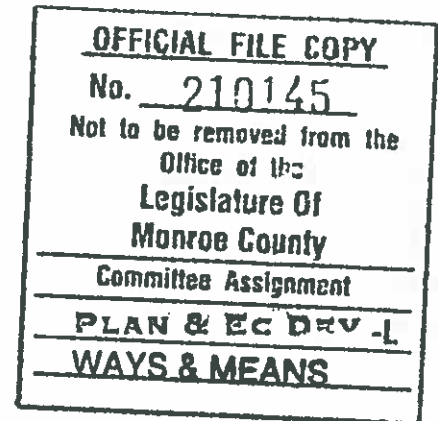


# Office of the County Executive

Monroe County, New York

Adam J. Bello  
County Executive

April 9, 2021



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

Subject: Authorize Contracts with the County of Monroe Industrial Development Agency and Environmental Design & Research, Landscape Architecture, Engineering & Environmental Services, DPC for Professional Services for the Monroe County Comprehensive Plan

Dear Honorable Legislators:

I recommend that Your Honorable Body authorize a contract with the County of Monroe Industrial Development Agency to accept \$200,000 for general planning purposes and to authorize a contract with Environmental Design & Research, Landscape Architecture, Engineering & Environmental Services, DPC ("EDR") in the amount of \$184,953 for professional consulting services for the Monroe County Comprehensive Plan for the period of June 1, 2021 through May 31, 2023, with the option to renew for one (1) year at no additional cost.

Monroe County's last Comprehensive Plan was adopted over forty years ago. This year, 2021, marks the bicentennial of Monroe County and an updated Comprehensive Plan will be a blueprint that guides decision-making for the County, its municipalities, and its residents for at least the next decade. The Plan will focus on a wide array of issues, but at the highest level will address topics of social justice, economic growth, workforce development, quality of life, and environmental sustainability and resiliency. The Plan process will lead to a community inspired vision; community supported goals; and implementable strategies to guide policy and investment within and throughout the County. Upon completion, the Plan will be made available to the County of Monroe Industrial Development Agency to inform its policies and procedures to advance the job opportunities, health, general prosperity, and economic welfare of the people of Monroe County.

A Request for Proposals was issued for this contract and EDR was selected as the most qualified to provide this service.

**The specific legislative actions required are:**

1. Authorize the County Executive to execute a contract, and any amendments thereto, with the County of Monroe Industrial Development Agency to accept \$200,000 for general planning services for the period of June 1, 2021 through May 31, 2023.
2. Amend the 2021 operating budget of the Department of Planning and Development by appropriating the sum of \$200,000 into general fund 9300, funds center 1401010000, Planning Services.

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3. Authorize the County Executive to execute a contract, and any amendments thereto, with Environmental Design & Research, Landscape Architecture, Engineering & Environmental Services, DPC, 274 North Goodman Street, Suite B260, Rochester, New York 14607, in the amount of \$184,953 for professional consulting services for the Monroe County Comprehensive Plan for the period of June 1, 2021 through May 31, 2023, with the option to renew for one (1) year at no additional cost.

Entering into contracts with the County of Monroe Industrial Development Agency and EDR are Type II Actions pursuant to 6 NYCRR § 617.5(c)(24) ("information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any Type I or Unlisted action") and (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.

This contract is 100% funded by the County of Monroe Industrial Development Agency. No additional net County support is required in the current Monroe County budget.

The records in the Office of the Monroe County Treasury have indicated that neither Environmental Design & Research, Landscape Architecture, Engineering & Environmental Services, DPC, nor any of its principal officers, owe any delinquent Monroe County property taxes. The principal officers of the firm are:

Jo Anne C. Gagliano, RLA, President  
Thomas F.J. Dussing, P.E., Vice President  
Michael Tamblin, P.E., Vice President

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

AJB:al

By Legislators Wilt and Delehanty

Intro. No. \_\_\_\_

RESOLUTION NO. \_\_\_\_ OF 2021

**AUTHORIZING CONTRACTS WITH COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY AND ENVIRONMENTAL DESIGN & RESEARCH, LANDSCAPE ARCHITECTURE, ENGINEERING & ENVIRONMENTAL SERVICES, DPC FOR PROFESSIONAL SERVICES FOR MONROE COUNTY COMPREHENSIVE PLAN**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. The County Executive is hereby authorized to execute a contract, and any amendments thereto, with the County of Monroe Industrial Development Agency to accept \$200,000 for general planning services for the period of June 1, 2021 through May 31, 2023.

Section 2. The 2021 operating budget of the Department of Planning and Development is hereby amended by appropriating the sum of \$200,000 into general fund 9300, funds center 1401010000, Planning Services.

Section 3. The County Executive is hereby authorized to execute a contract, and any amendments thereto, with Environmental Design & Research, Landscape Architecture, Engineering & Environmental Services, DPC in the amount of \$184,953 for professional consulting services for the Monroe County Comprehensive Plan for the period of June 1, 2021 through May 31, 2023, with the option to renew for one (1) year at no additional cost.

Section 4. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0145

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_



**ATTACHMENTS:**

	<b>Description</b>	<b>File Name</b>	<b>Type</b>
▢	<b>Referral</b>	<b>R21-0146.pdf</b>	<b>Referral Letter</b>
▢	<b>Resolution</b>	<b>ITEM_34.pdf</b>	<b>Resolution</b>



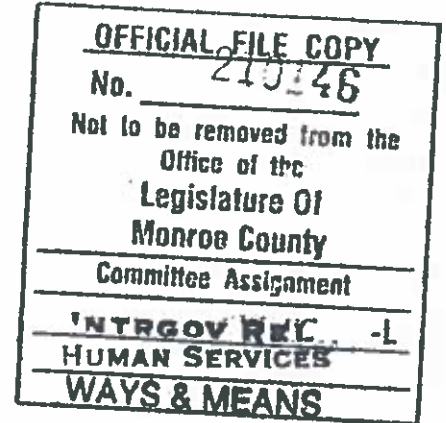


Office of the County Executive

Monroe County, New York

Adam J. Bello
County Executive

April 9, 2021



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

Subject: Authorize an Intermunicipal Agreement with the City of Rochester to Provide Water Quality Monitoring for the Beach at Durand Eastman Park

Honorable Legislators:

I recommend that Your Honorable Body authorize an intermunicipal agreement with the City of Rochester in an amount not to exceed \$10,000 for Monroe County to provide water quality monitoring for the beach at Durand Eastman Park for the period of January 1, 2021 through December 31, 2021, with two (2) one-year options to renew at Monroe County's discretion.

Under the terms of the intermunicipal agreement, Monroe County will provide water quality sample collection, analytical services, and interpretation of results. The sampling results from the previous seasons will be used to refine an operational model similar to the one employed at Ontario Beach. The final parameters for the model shall be determined by the Monroe County Department of Public Health and will be used to make decisions on whether to open or close the beach for water quality reasons at Durand Eastman Park. Monroe County will be reimbursed by the City of Rochester on a fee-for-service basis.

The specific legislative action required is to authorize the County Executive, or his designee, to execute an intermunicipal agreement, and any amendments thereto, with the City of Rochester for Monroe County to provide water quality monitoring for the beach at Durand Eastman Park in an amount not to exceed \$10,000 for the period of January 1, 2021 through December 31, 2021, with two (2) one-year options to renew at Monroe County's discretion.

This action is a Type II Action pursuant to 6 NYCRR § 617.5(c)(26) ("routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment") and is not subject to further review under the State Environmental Quality Review Act.

This agreement is revenue generating. No net County support is required in 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

By Legislators Ancello, Smith and Delehanty

Intro. No. \_\_\_\_

RESOLUTION NO. \_\_\_\_ OF 2021

**AUTHORIZING INTERMUNICIPAL AGREEMENT WITH CITY OF ROCHESTER TO PROVIDE WATER QUALITY MONITORING FOR BEACH AT DURAND EASTMAN PARK**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. The County Executive, or his designee, is hereby authorized to execute an intermunicipal agreement, and any amendments thereto, with the City of Rochester for Monroe County to provide water quality monitoring for the beach at Durand Eastman Park in an amount not to exceed \$10,000 for the period of January 1, 2021 through December 31, 2021, with two (2) one-year options to renew at Monroe County's discretion.

Section 2. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0146

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

**ACTION BY THE COUNTY EXECUTIVE**

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_



**ATTACHMENTS:**

	<b>Description</b>	<b>File Name</b>	<b>Type</b>
▢	<b>Referral</b>	<b>R21-0147.pdf</b>	<b>Referral Letter</b>
▢	<b>Resolution</b>	<b>ITEM_35.pdf</b>	<b>Resolution</b>



Office of the County Executive

Monroe County, New York

Adam J. Bello
County Executive

April 9, 2021

OFFICIAL FILE COPY
No. 210147
Not to be removed from the Office of the Legislature Of Monroe County
Committee Assignment
TRANSPORTATION -L
WAYS & MEANS

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

Subject: Amend the 2021 Capital Budget and Bond Resolution 377 of 2020 to Provide an Increase in Funding for the Highway Lighting Rehabilitation Central Project in the City of Rochester and the Towns of Chili and Gates and Authorize a Contract with Greenman-Pedersen, Inc. for Engineering Services

Honorable Legislators:

I recommend that Your Honorable Body amend the 2021 Capital Budget and Bond Resolution 377 of 2020 to provide an increase in funding for the Highway Lighting Rehabilitation Central Project in the City of Rochester and the Towns of Chili and Gates and authorize a contract with Greenman-Pedersen, Inc. in the amount of \$389,957.85 for engineering services.

This project involves the rehabilitation of the Highway Lighting on I-390 from Chili Avenue to the Genesee River, I-490 from the Genesee River to the I-590 interchange, and the Inner Loop from I-490 to E. Main Street in the City of Rochester and the Towns of Chili and Gates. The project will involve upgrading the lighting system to LED lights, as well as replacement/repairs to a portion of the light poles and foundations, lighting conduits, and electrical cable. The current revised total project estimate is \$4,750,000. The current schedule is to conduct preliminary engineering and final design during 2021/2022 with an anticipated construction start in 2023.

A request for proposals was issued for this contract and Greenman-Pedersen, Inc. was selected as the most qualified to provide this service.

A cost breakdown of these services is as follows:

Table with 2 columns: Service Type and Amount. Rows: Design Services (\$344,616.49), Special Services (45,341.36), Total (\$389,957.85)

The specific legislative actions required are:

- 1. Amend the 2021 Capital Budget to increase funding for the Highway Lighting Rehabilitation Central Project in the City of Rochester and the Towns of Chili and Gates in the amount of \$30,000 from \$370,000 to \$400,000 for a total project authorization of \$400,000.

2. Amend Bond Resolution 377 of 2020 to increase financing for the Highway Lighting Rehabilitation Central Project in the City of Rochester and the Towns of Chili and Gates, capital fund 1992, in the amount of \$30,000 from \$370,000 to \$400,000 for a total project authorization of \$400,000.
3. Authorize the County Executive, or his designee, to execute a contract with Greenman-Pedersen, Inc., 400 Andrews Street, Suite 6100, Rochester, New York 14604, in the amount of \$389,957.85 for engineering services for the Highway Lighting Rehabilitation – Central Project in the City of Rochester and the Towns of Chili and Gates, and any amendments necessary to complete the project within the total capital fund(s) appropriation.

This action is a Type II Action pursuant to 6 NYCRR § 617.5(c)(1) (“maintenance or repair involving no substantial changes in an existing structure or facility”) and (2) (“replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part”) and is not subject to further review under the State Environmental Quality Review Act.

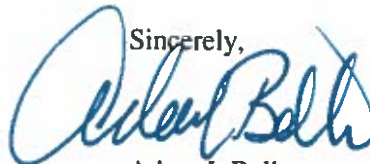
Funding for this contract, consistent with authorized uses, will be available in capital fund 1992 once the additional financing authorization herein is approved and in any other capital fund(s) created for the same intended purpose. No additional net County support is required in the current Monroe County budget.

The records in the Office of the Monroe County Treasury have indicated that neither Greenman-Pedersen, Inc., nor any of its principal officers, owe any delinquent Monroe County property taxes. The principal officers of the firm are:

Steven Greenman, Chairman of the Board  
Christer Ericson, President and Chief Executive Officer  
Michael Buoncore, Executive VP and Chief Financial Officer

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

By Legislators Colby and Delehanty

Intro. No. \_\_\_\_

RESOLUTION NO. \_\_\_\_ OF 2021

**AUTHORIZING CONTRACT WITH GREENMAN-PEDERSEN, INC. FOR ENGINEERING SERVICES**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. The County Executive, or his designee, is hereby authorized to execute a contract with Greenman-Pedersen, Inc. in the amount of \$389,957.85 for engineering services for the Highway Lighting Rehabilitation – Central Project in the City of Rochester and the Towns of Chili and Gates, and any amendments necessary to complete the project within the total capital fund(s) appropriation.

Section 2. Funding for this contract, consistent with authorized uses, will be available in capital fund 1992 once the additional financing authorization herein is approved and in any other capital fund(s) created for the same intended purpose.

Section 3. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0147

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_



**ATTACHMENTS:**

	<b>Description</b>	<b>File Name</b>	<b>Type</b>
▢	<b>Referral</b>	<b>R21-0147.pdf</b>	<b>Referral Letter</b>
▢	<b>Resolution</b>	<b>ITEM_36.pdf</b>	<b>Resolution</b>



Office of the County Executive

Monroe County, New York

Adam J. Bello
County Executive

April 9, 2021

OFFICIAL FILE COPY
No. 210147
Not to be removed from the Office of the Legislature Of Monroe County
Committee Assignment
TRANSPORTATION -L
WAYS & MEANS

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

Subject: Amend the 2021 Capital Budget and Bond Resolution 377 of 2020 to Provide an Increase in Funding for the Highway Lighting Rehabilitation Central Project in the City of Rochester and the Towns of Chili and Gates and Authorize a Contract with Greenman-Pedersen, Inc. for Engineering Services

Honorable Legislators:

I recommend that Your Honorable Body amend the 2021 Capital Budget and Bond Resolution 377 of 2020 to provide an increase in funding for the Highway Lighting Rehabilitation Central Project in the City of Rochester and the Towns of Chili and Gates and authorize a contract with Greenman-Pedersen, Inc. in the amount of \$389,957.85 for engineering services.

This project involves the rehabilitation of the Highway Lighting on I-390 from Chili Avenue to the Genesee River, I-490 from the Genesee River to the I-590 interchange, and the Inner Loop from I-490 to E. Main Street in the City of Rochester and the Towns of Chili and Gates. The project will involve upgrading the lighting system to LED lights, as well as replacement/repairs to a portion of the light poles and foundations, lighting conduits, and electrical cable. The current revised total project estimate is \$4,750,000. The current schedule is to conduct preliminary engineering and final design during 2021/2022 with an anticipated construction start in 2023.

A request for proposals was issued for this contract and Greenman-Pedersen, Inc. was selected as the most qualified to provide this service.

A cost breakdown of these services is as follows:

Table with 2 columns: Service Type, Amount. Rows: Design Services (\$344,616.49), Special Services (45,341.36), Total (\$389,957.85)

The specific legislative actions required are:

- 1. Amend the 2021 Capital Budget to increase funding for the Highway Lighting Rehabilitation Central Project in the City of Rochester and the Towns of Chili and Gates in the amount of \$30,000 from \$370,000 to \$400,000 for a total project authorization of \$400,000.



2. Amend Bond Resolution 377 of 2020 to increase financing for the Highway Lighting Rehabilitation Central Project in the City of Rochester and the Towns of Chili and Gates, capital fund 1992, in the amount of \$30,000 from \$370,000 to \$400,000 for a total project authorization of \$400,000.
3. Authorize the County Executive, or his designee, to execute a contract with Greenman-Pedersen, Inc., 400 Andrews Street, Suite 6100, Rochester, New York 14604, in the amount of \$389,957.85 for engineering services for the Highway Lighting Rehabilitation – Central Project in the City of Rochester and the Towns of Chili and Gates, and any amendments necessary to complete the project within the total capital fund(s) appropriation.

This action is a Type II Action pursuant to 6 NYCRR § 617.5(c)(1) (“maintenance or repair involving no substantial changes in an existing structure or facility”) and (2) (“replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part”) and is not subject to further review under the State Environmental Quality Review Act.

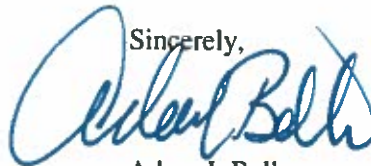
Funding for this contract, consistent with authorized uses, will be available in capital fund 1992 once the additional financing authorization herein is approved and in any other capital fund(s) created for the same intended purpose. No additional net County support is required in the current Monroe County budget.

The records in the Office of the Monroe County Treasury have indicated that neither Greenman-Pedersen, Inc., nor any of its principal officers, owe any delinquent Monroe County property taxes. The principal officers of the firm are:

Steven Greenman, Chairman of the Board  
Christer Ericson, President and Chief Executive Officer  
Michael Buoncore, Executive VP and Chief Financial Officer

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

36.1

By Legislators Colby and Delehanty

Intro. No. \_\_\_\_

RESOLUTION NO. \_\_\_\_ OF 2021

SUPERSEDING BOND RESOLUTION DATED MAY 11, 2021

**RESOLUTION AUTHORIZING THE ISSUANCE OF \$400,000 BONDS OF THE COUNTY OF MONROE, NEW YORK, TO FINANCE THE COST OF THE EXPRESSWAY LIGHTING REHABILITATION-CENTRAL, IN AND FOR SAID COUNTY, AT AN ESTIMATED MAXIMUM COST OF \$400,000 AND SUPERSEDING THE BOND RESOLUTION ADOPTED ON DECEMBER 15, 2020 (RESOLUTION NO. 377 OF 2020)**

BE IT RESOLVED BY THE AFFIRMATIVE VOTE OF NOT LESS THAN TWO-THIRDS OF THE TOTAL VOTING STRENGTH OF THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. For the object or purpose of financing the cost of the expressway lighting rehabilitation-central, in and for the County of Monroe, New York (the "County"), there are hereby authorized to be issued \$400,000 bonds of the County, pursuant to the provisions of the Local Finance Law. The duly adopted current Capital Budget of the County, to the extent inconsistent herewith, is hereby amended to provide for the appropriation of an additional \$30,000 to pay the cost of the aforesaid specific object or purpose (\$370,000 having been heretofore appropriated from one or more Capital Budgets). The period of probable usefulness of the aforesaid specific object or purpose is five (5) years, pursuant to subdivision 32 of paragraph a of Section 11.00 of the Local Finance Law.

Section 2. The maximum estimated cost thereof is \$400,000, and the plan for the financing thereof is by the issuance of \$400,000 bonds of said County herein authorized, provided, however, that to the extent any state and/or federal aid and/or grant and/or gift is received for the aforesaid purpose, such aid shall be used to redeem any outstanding indebtedness incurred for such purpose or shall be applied, dollar for dollar, to reduce the amount of bonds to be issued for such purpose.

Section 3. The faith and credit of the County are hereby irrevocably pledged for the payment of the principal of and interest on such obligations 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 obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell the bonds and 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 Director of Finance - Chief Financial Officer, the chief fiscal officer of the County under the Local Finance Law. The Director of Finance - Chief Financial Officer may sell such bonds or notes at public or private sale, at a discount or premium, at fixed or variable rates of interest or at no interest whatsoever, or as capital appreciation bonds, and with such amortization of principal as the Director of Finance - Chief Financial Officer shall determine is most favorable to the County, and in compliance with any rules of the State Comptroller applicable thereto. Such bonds or notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Director of Finance - Chief Financial Officer, consistent with the provisions of the Local Finance Law. The Director of Finance - Chief Financial Officer may, in the event it is determined to issue

variable rate bonds or notes, enter into such agreements as said officer finds reasonable to facilitate the issuance, sale, resale and repurchase of such bonds or notes, as authorized under Section 54.90 of the Local Finance Law. The Director of Finance - Chief Financial Officer is also authorized to enter into such agreements and take such other action as may be necessary or appropriate and lawful to assure that, to the extent possible, (i) interest on the bonds and notes authorized hereby will not be includable in the gross income, for federal income tax purposes, of the recipients thereof, and (ii) to enable the purchaser thereof to comply with Securities and Exchange Commission Rule 15c2-12. The Director of Finance – Chief Financial Officer is hereby further delegated all powers of this County Legislature with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for such bonds or notes, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

Section 5. All other matters, except as provided herein, relating to such bonds or notes, including prescribing whether manual or facsimile signatures shall appear on said bonds or notes, prescribing the method for the recording of ownership of said bonds or notes, appointing the fiscal agent or agents for said bonds or notes, providing for the printing and delivery of said bonds or notes (and if said bonds or notes are to be executed in the name of the County by only facsimile signatures, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, form, denominations, maturities, interest rate or rates, terms of and manner of sale and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Director of Finance - Chief Financial Officer. The Director of Finance - Chief Financial Officer may elect to become the fiscal agent for the bonds or notes, or may contract on behalf of the County for this service pursuant to the Local Finance Law. Such bonds or notes 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 52.00 of the Local Finance Law, as the Director of Finance - Chief Financial Officer shall determine.

Section 6. The validity of such bonds and bond anticipation notes, as authorized by this resolution, may be contested only if:

- 1) such obligations are authorized for an object or purpose for which said County 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 (20) days after the date of such publication, or

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

Section 7. This resolution shall supersede Resolution No. 377 of 2020, being a bond resolution dated December 15, 2020, except to the extent that any indebtedness shall have been contracted or encumbrances made thereunder. The purpose of this superseding bond resolution is to effect the following: to increase the maximum estimated cost of the purpose to \$400,000, and to provide \$400,000 bonds therefor, an increase of \$30,000 over the \$370,000 bonds authorized under Resolution No. 377 of 2020.

Section 8. This resolution shall constitute a statement of official intent for purposes of Section 1.150-2 of the Treasury Regulations. 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 objects or purposes described herein.

Section 9. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter and the Clerk of the Legislature is hereby authorized and directed to publish this resolution or a summary hereof to be published, together with a notice attached in substantially the form and in the manner prescribed by Section 81.00 of the Local Finance Law.

Committee of the Whole; April 27, 2021 – CV: 28-0  
File No. 21-0147.br

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_



**ATTACHMENTS:**

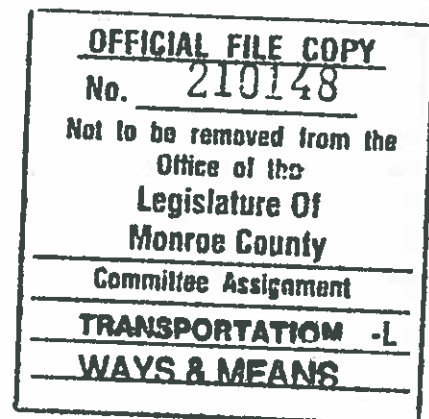
	<b>Description</b>	<b>File Name</b>	<b>Type</b>
▢	<b>Referral</b>	<b>R21-0148.pdf</b>	<b>Referral Letter</b>
▢	<b>Resolution</b>	<b>ITEM_37.pdf</b>	<b>Resolution</b>



Office of the County Executive

Monroe County, New York

Adam J. Bello
County Executive



April 9, 2021

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

Subject: Authorize a Contract with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. for Engineering Services for the Middle Road Project in the Town of Henrietta

Honorable Legislators:

I recommend that Your Honorable Body authorize a contract with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. in the amount of \$342,876.63 for engineering services for the Middle Road Project in the Town of Henrietta.

Middle Road is a County owned road with the limits for this project being from Erie Station Road to Lehigh Station Road in the Town of Henrietta. This project will involve rehabilitation of the road including milling and resurfacing, culvert replacement, drainage improvements, edge treatments, paved shoulders, signs, and pavement markings. The current total project estimate is \$3,580,000. The current schedule is to conduct preliminary engineering and final design during 2021/2022 with an anticipated construction start in 2023.

A request for proposals was issued for this contract and Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. was selected as the most qualified to provide this service.

A cost breakdown of these services is as follows:

Table with 2 columns: Service Type, Amount. Rows: Design Services (\$192,192.64), Special Services (150,683.99), Total (\$342,876.63)

The specific legislative action required is to authorize the County Executive, or his designee, to execute a contract with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C., 280 East Broad Street, Rochester, New York 14604, in the amount of \$342,876.63 for engineering services for the Middle Road Project in the Town of Henrietta, and any amendments necessary to complete the project within the total capital fund(s) appropriation.


This action is a Type II Action pursuant to 6 NYCRR § 617.5(c)(2) (“replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part”) and (5) (“repaving of existing highways not involving the addition of new travel lanes”) and is not subject to further review under the State Environmental Quality Review Act.

Funding for this contract, consistent with authorized uses, is included capital fund 1995 and in any capital fund(s) created for the same intended purpose. No additional net County support is required in the current Monroe County budget.

The records in the Office of the Monroe County Treasury have indicated that neither Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C., nor any of its principal officers, owe any delinquent Monroe County property taxes. The principal officers of the firm are:

Pieter V. Giovencio, President/CEO  
Scott W. Lockwood, CFO  
Richard Chelotti, Sr. Vice President  
Andrew Raud, Sr. Vice President

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

By Legislators Colby and Delehanty

Intro. No. \_\_\_\_

RESOLUTION NO. \_\_\_\_ OF 2021

**AUTHORIZING CONTRACT WITH BERGMANN ASSOCIATES, ARCHITECTS, ENGINEERS, LANDSCAPE ARCHITECTS & SURVEYORS, D.P.C. FOR ENGINEERING SERVICES FOR MIDDLE ROAD PROJECT IN TOWN OF HENRIETTA**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. The County Executive, or his designee, is hereby authorized to execute a contract with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. in the amount of \$342,876.63 for engineering services for the Middle Road Project in the Town of Henrietta, and any amendments necessary to complete the project within the total capital fund(s) appropriation

Section 2. Funding for this contract, consistent with authorized uses, is included in capital fund 1995 and in any capital fund(s) created for the same intended purpose.

Section 3. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0148

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_





**ATTACHMENTS:**

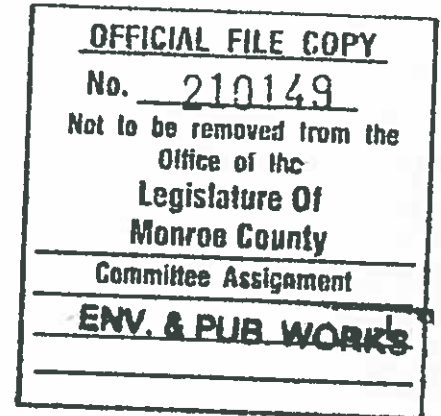
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▢	<b>Referral</b>	<b>R21-0149.pdf</b>	<b>Referral Letter</b>
▢	<b>Resolution</b>	<b>ITEM_38.pdf</b>	<b>Resolution</b>



Office of the County Executive

Monroe County, New York

Adam J. Bello
County Executive



April 9, 2021

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 Acquisition of Real Property for the Culver Road Highway Improvement Project at 4225 Culver Road in the Town of Irondequoit

Honorable Legislators:

I recommend that Your Honorable Body determine whether the Acquisition of Real Property for the Culver Road Highway Improvement Project located at 4225 Culver Road in the Town of Irondequoit may have a significant adverse impact on the environment pursuant to the State Environmental Quality Review Act ("SEQRA").

The proposed acquisition is as follows:

Table with 3 columns: Parcel, Owner, Offered Amount. Row 1: Map 172, Providence Durand Housing Development Fund Company, Inc, \$1.00

The acquisition of real property located at 4225 Culver Road in the Town of Irondequoit 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 the acquisition of real property located at 4225 Culver Road in the Town of Irondequoit is an Unlisted action.

2. Make a determination of significance regarding the acquisition of real property located at 4225 Culver Road in the Town of Irondequoit 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

AJB:db

## Short Environmental Assessment Form

### Part I - Project Information

#### Instructions for Completing

Part I - Project Information. The applicant or project sponsor is responsible for the completion of Part I. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part I 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.

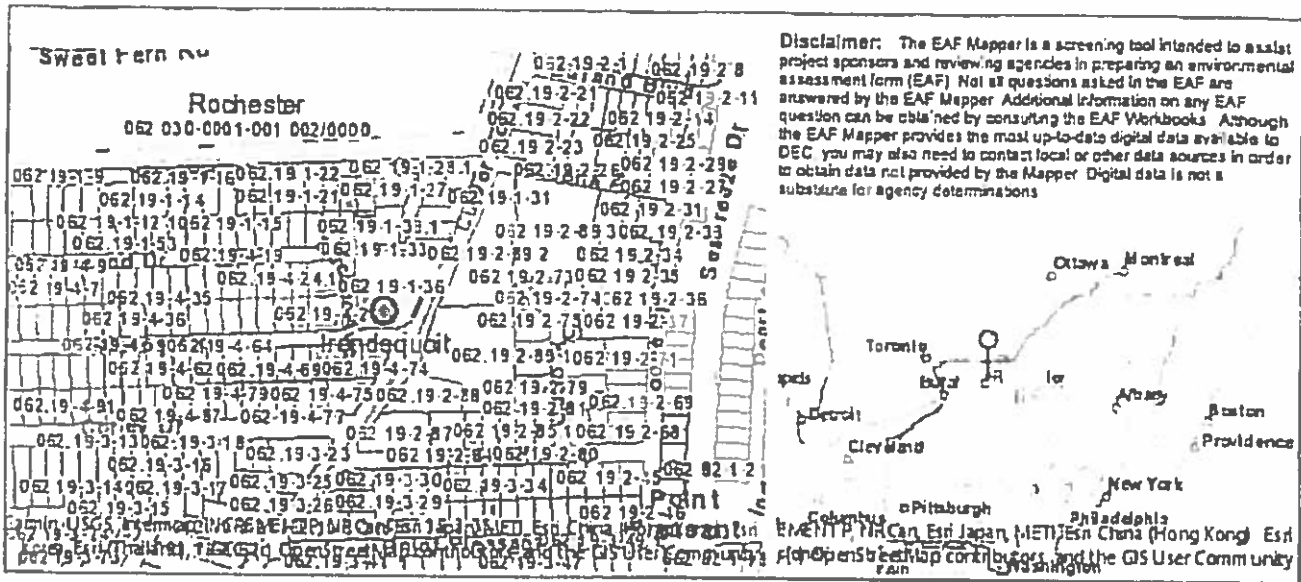
Complete all items in Part I. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part I - Project and Sponsor Information</b>			
Name of Action or Project: Acquisition of Permanent Easement at 4225 Culver Road, in the town of Irondequoit			
Project Location (describe, and attach a location map): 4225 Culver Road in the Town of Irondequoit.			
Brief Description of Proposed Action: This action is for the acquisition of a Permanent Easement to allow signage necessary along Culver Road at 4225 Culver Road in the Town of Irondequoit.			
Name of Applicant or Sponsor: Monroe County		Telephone: (585) 7531233	
		E-Mail:	
Address: 39 West Main Street			
City/PO: Rochester		State: New York	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?		0 019 acres	
b. Total acreage to be physically disturbed?		0 00 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0 019 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			

		NO	YES	N/A
5. Is the proposed action,	a. A permitted use under the zoning regulations?	<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?		<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? Name Not named, Reason Environmentally sensitive, Agency Rochester, City of, Date 3-14-86 If Yes, identify: Durand Eastman Park		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" 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. ----- -----		<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: -----		<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: -----		<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?		<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?		<input checked="" type="checkbox"/>	<input 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: ----- -----				

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? Bald Eagle, Least Bittern	NO	YES
	<input type="checkbox"/>	<input checked="" 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
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 checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor name: <u>Monroe County</u> Date: _____		
Signature: <u><i>Anthony Pegg</i></u> Title: <u>Director Real Property Services</u>		

**PRINT FORM**



Part 1 / Question 7 [Critical Environmental Area]	Yes
Part 1 / Question 7 [Critical Environmental Area - Identify]	Name:Not named, Reason Environmentally sensitive, Agency:Rochester, City of, Date 3-14-86
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	No
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Bald Eagle, Least Bittern
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

Agency Use Only (If applicable)

Project:

Date:

**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. 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: \_\_\_\_\_

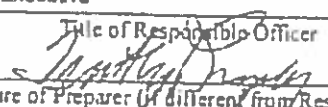
Date: \_\_\_\_\_

**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.

The Environmental Mapper indicates that the subject property, or an adjoining property is in an environmentally sensitive area, has been designated as sensitive for archaeological sites and contains a species of animal, or associated habitats listed as threatened or endangered

This action is for the acquisition of the property and does not include the physical alteration nor disturbance of the property. It is limited to the placement of road signs. Therefore, there this action will not result in any significant adverse environment 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 _____ Print or Type Name of Responsible Officer in Lead Agency	_____ County Executive
_____ Signature of Responsible Officer in Lead Agency	_____ Title of Responsible Officer  Signature of Preparer (if different from Responsible Officer)

**PRINT FORM**

By Legislators Dondorfer and Wilt

Intro. No. \_\_\_

RESOLUTION NO. \_\_\_ OF 2021

**CLASSIFICATION OF ACTION AND DETERMINATION OF SIGNIFICANCE PURSUANT TO STATE ENVIRONMENTAL QUALITY REVIEW ACT FOR ACQUISITION OF REAL PROPERTY FOR CULVER ROAD HIGHWAY IMPROVEMENT PROJECT AT 4225 CULVER ROAD IN THE TOWN OF IRONDEQUOIT**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. The Monroe County Legislature determines that the acquisition of real property located at 4225 Culver Road in the Town of Irondequoit is an Unlisted Action.

Section 2. The Monroe County Legislature has reviewed and considered the Short Environmental Assessment Form and has considered the potential environmental impacts of the acquisition of real property located at 4225 Culver Road in the Town of Irondequoit pursuant to the requirements of State Environmental Quality Review Act and has found that the proposed action will not result in any significant adverse environmental impacts. The Monroe County Legislature hereby issues and adopts the Negative Declaration attached hereto and made a part hereof and determines that an environmental impact statement is not required.

Section 3. The County Executive, or his designee, is hereby authorized 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.

Section 4. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0149

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_

# 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.

<b>Part 1 - Project and Sponsor Information</b>			
Name of Action or Project: Acquisition of Permanent Easement at 4225 Culver Road, in the town of Irondequoit			
Project Location (describe, and attach a location map): 4225 Culver Road in the Town of Irondequoit			
Brief Description of Proposed Action: This action is for the acquisition of a Permanent Easement to allow signage necessary along Culver Road at 4225 Culver Road in the Town of Irondequoit.			
Name of Applicant or Sponsor: Monroe County		Telephone: (585) 7531233	
Address: 39 West Main Street		E-Mail:	
City/PD: Rochester		State: New York	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 impacts it may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO	YES
		<input checked="" type="checkbox"/>	<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	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		0.019 acres	
b. Total acreage to be physically disturbed?		0.00 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.019 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,	NO	YES	N A
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<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? Name Not named, Reason Environmentally sensitive, Agency Rochester, City of, Date 3-14 25 If Yes, identify: Durand Eastman Park	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input type="checkbox"/>	<input checked="" 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.	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:	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.	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? 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?	NO	YES	
	<input checked="" type="checkbox"/>	<input 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? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

Shoreline    Forest    Agricultural grasslands    Early mid-successional  
 Wetland    Urban    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?  
 Bald Eagle, Least Broom

	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>

16. Is the project site located in the 100-year flood plain?

	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,

a. Will storm water discharges flow to adjacent properties?

	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>

b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?  
 If Yes, briefly describe:

	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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 checked="" type="checkbox"/>	<input type="checkbox"/>

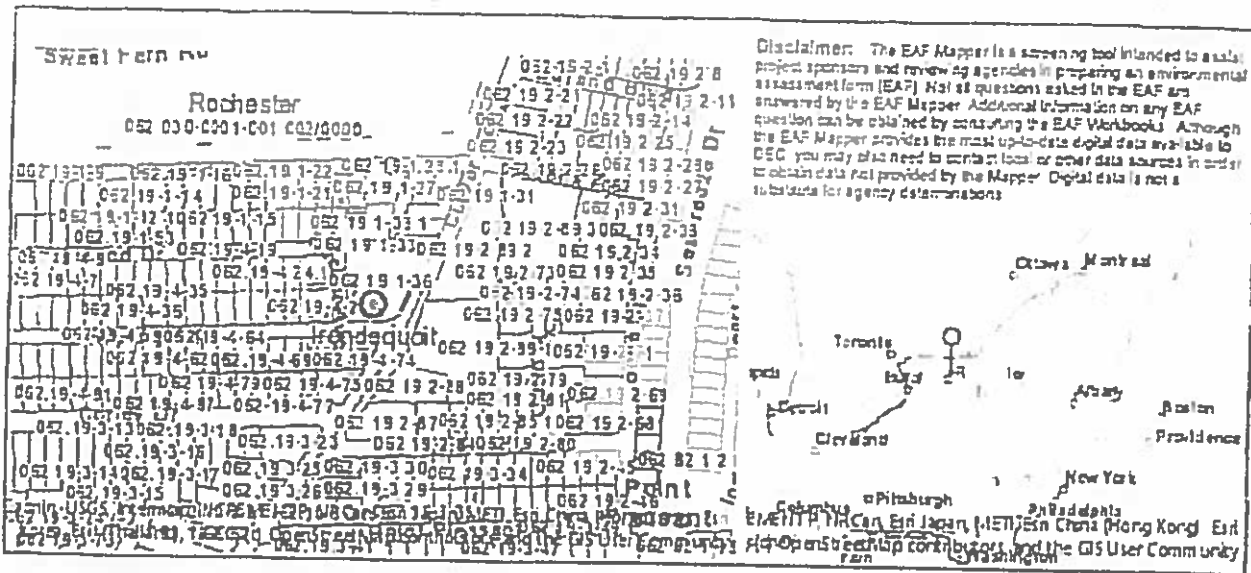
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Signature: *[Handwritten Signature]* Title: Director Real Property Services

**PRINT FORM**

# EAF Mapper Summary Report

Thursday, January 14, 2021 9:28 AM



Part 1 / Question 7 [Critical Environmental Area]	Yes
Part 1 / Question 7 [Critical Environmental Area - Identify]	Name: Not named Reason: Environmentally sensitive, Agency: Rochester, City of, Date: 3-14-85
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	No
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Bald Eagle, Least Bittern
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

38.6

Agency Use Only (If applicable)

Project:

Date:

*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: 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: \_\_\_\_\_  
 Date: \_\_\_\_\_

**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.

The Environmental Mapper indicates that the subject property, or an adjoining property is in an environmentally sensitive area, has been designated as sensitive for archaeological sites and contains a species of animal, or associated habitats listed as threatened or endangered

This action is for the acquisition of the property and does not include the physical alteration nor disturbance of the property. It is limited to the placement of road signs. Therefore, there this action will not result in any significant adverse environment impacts.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may or will result in a significant adverse environmental impact and an environmental impact statement is required

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

Adam J. Belle \_\_\_\_\_  
 Print or Type Name of Responsible Officer in Lead Agency

\_\_\_\_\_ \_\_\_\_\_  
 Signature of Responsible Officer in Lead Agency

\_\_\_\_\_ \_\_\_\_\_  
 Date

\_\_\_\_\_ \_\_\_\_\_  
 County Executive

\_\_\_\_\_ \_\_\_\_\_  
 Title of Responsible Officer

\_\_\_\_\_ \_\_\_\_\_  
 Signature of Preparer (if different from Responsible Officer)

**PRINT FORM**





**ATTACHMENTS:**

	<b>Description</b>	<b>File Name</b>	<b>Type</b>
▢	<b>Referral</b>	<b>R21-0150.pdf</b>	<b>Referral Letter</b>
▢	<b>Resolution</b>	<b>ITEM_39.pdf</b>	<b>Resolution</b>

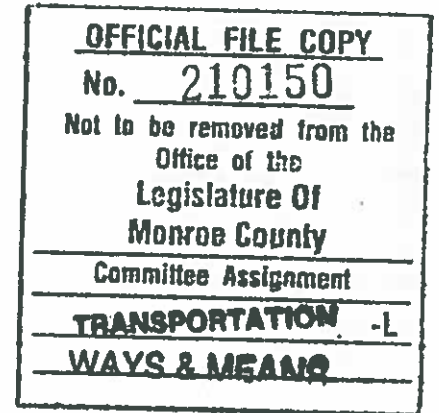


Office of the County Executive

Monroe County, New York

Adam J. Bello
County Executive

April 9, 2021



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

Subject: Authorize the Acquisition of Interests in Real Property for the Culver Road Highway Improvement Project at 4225 Culver Road in the Town of Irondequoit

Honorable Legislators:

I recommend that Your Honorable Body authorize the acquisition of interests in real property for the Culver Road Highway Improvement Project in the Town of Irondequoit from the property owners described as follows:

Table with 3 columns: Parcel, Owner, Amount. Row 1: Map 172, Providence Durand Housing Development Fund Company, Inc., \$1.00

The specific legislative action required is to authorize the County Executive, or his designee, to acquire the referenced property interests and execute all documents necessary for the Culver Road Highway Improvement Project at 4225 Culver Road at tax identification number 062.19-1-36 in the Town of Irondequoit by contract and/or the Eminent Domain Procedure Law, along with any amendments for unanticipated damages, within the total capital fund(s) appropriation.

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.

No additional net County support is required in the current Monroe County budget.

The records in the Office of the Monroe County Treasury have indicated that the individual property owner(s) listed above do not owe any delinquent Monroe County property taxes.

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

110 County Office Building • 39 West Main Street • Rochester, New York 14614

(585) 753-1000 • fax: (585) 753-1014 • www.monroecounty.gov • e-mail: countyexecutive@monroecounty.gov

By Legislators Colby and Delehanty

Intro. No. \_\_\_\_

RESOLUTION NO. \_\_ OF 2021

**AUTHORIZING ACQUISITION OF INTERESTS IN REAL PROPERTY FOR CULVER ROAD HIGHWAY IMPROVEMENT PROJECT AT 4225 CULVER ROAD IN TOWN OF IRONDEQUOIT**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. The County Executive, or his designee, is hereby authorized to acquire the referenced property interests and execute all documents necessary for the Culver Road Highway Improvement Project at 4225 Culver Road at tax identification number 062.19-1-36 in the Town of Irondequoit by contract and/or the Eminent Domain Procedure Law, along with any amendments for unanticipated damages, within the total capital fund(s) appropriation.

<u>Parcel</u>	<u>Owner</u>	<u>Amount</u>
Map 172 Parcel 1 PE 845 sf 4225 Culver Road T.A. # 062.19-1-36 Town of Irondequoit	Providence Durand Housing Development Fund Company, Inc. 1150 Buffalo Road Rochester, NY 14624	\$1.00

Section 2. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0150

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_



**ATTACHMENTS:**

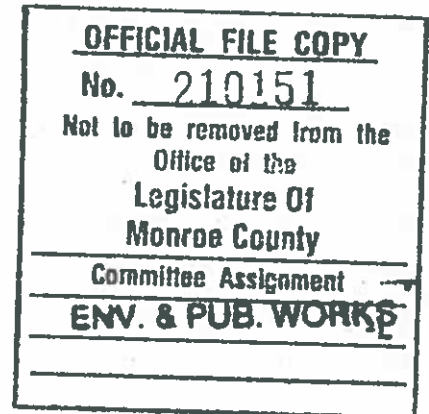
	<b>Description</b>	<b>File Name</b>	<b>Type</b>
▢	<b>Referral</b>	<b>R21-0151.pdf</b>	<b>Referral Letter</b>
▢	<b>Resolution</b>	<b>ITEM_40.pdf</b>	<b>Resolution</b>



Office of the County Executive

Monroe County, New York

Adam J. Bello
County Executive



April 9, 2021

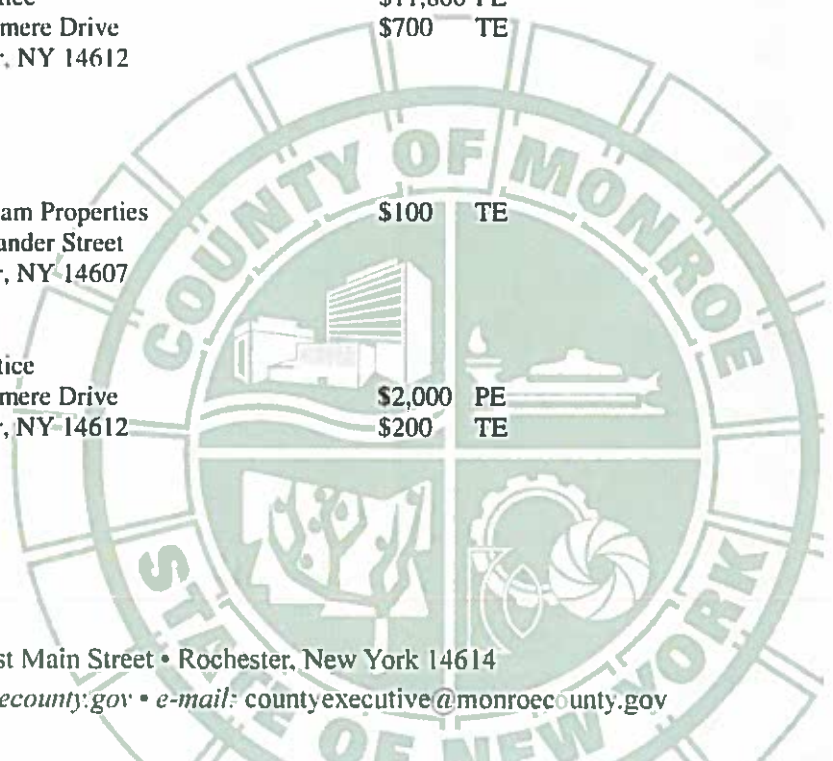
To The Honorable
Monroe County Legislature
407 County Office Building
Rochester, New York 14614

Subject: Classification of Action and Determination of Significance Pursuant to the State Environmental Quality Review Act for the Acquisition of Real Property for the English Road Highway Improvement Project in the Town of Greece

Honorable Legislators:

I recommend that Your Honorable Body determine whether the acquisition of real property for the English Road Highway Improvement Project in the Town of Greece may have a significant adverse impact on the environment pursuant to the State Environmental Quality Review Act ("SEQRA"):

Table with 3 columns: Parcel, Owner, Amount. Rows include Map 14, 15, 16, and 17 with details on parcels, owners, and amounts.



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(585) 753-1000 • fax: (585) 753-1014 • www.monroecounty.gov • e-mail: countyexecutive@monroecounty.gov

Map 18 Parcel 1 TE 2,436 sf English Road T.A. # 059.01-3-55 Town of Greece	Town of Greece I Vince Tofany Blvd Rochester, NY 14612	\$100 * TE Waived
Map 19 Parcel 1 PE 2,250 sf 18 Old English Drive T.A. # 059.11-3-68 Town of Greece	Ladd D. Dromgold Cathy H. Dromgold 18 Old English Road Rochester, NY 14616	\$3,400 PE
Map 20 Parcel 1 PE 378 sf Parcel 2 TE 2,034 sf English Road T.A. # 059.11-1-12 Town of Greece	Jack R. Ritter Aaron S. Ritter 1300 English Road Rochester, NY 14616	\$400 PE \$200 TE
Map 21 Parcel 1 PE 1,254 sf Parcel 2 TE 2,579 sf T.A. # 059.11-1-13 Town of Greece	Jack R. Ritter Aaron Ritter 1300 English Road Rochester, NY 14616	\$1,800 PE \$400 TE

The acquisition of real property located at the addresses defined above in the Town of Greece have 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 the acquisition of real properties located at the above listed addresses in the Town of Greece is an Unlisted action.
2. Make a determination of significance regarding the acquisitions of real property identified above in the Town of Greece 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: English Road Reconstruction Project			
Project Location (describe, and attach a location map): 1700 English Rd 059.01-3-58 11, 1687 English Rd 059.01-6-8, 1630 English Rd 059.01-3-56 14, 1677 English Rd 059.01-6-9, English Rd 059.01-3-55			
Brief Description of Proposed Action: The action is for replacement of a box culvert that allows a class C stream to flow under English Road and easement acquisition for right-of-way related to this roadwork. Replacement of the culvert will entail removal and re-installation of a culvert with temporary impacts to the class C stream, that requires a Protection of Waters Permit from the New York State Department of Environmental Conservation. Limited easements will be acquired on several parcels. Temporary Easements for construction work will be needed at 1700, 1687, 1680, and 1677 English Drive. Permanent easements of approximately 68 acres of land will be acquired on 1687 and 1677. Easement acquisition has been requested by New York State Department of Transportation to ensure sufficient right of way to operate and maintain English Road			
Name of Applicant or Sponsor: Monroe County		Telephone: 585-753-1233	
Address: 39 West Main Street		E-Mail:	
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 checked="" 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 checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		0.086 acres	
b. Total acreage to be physically disturbed?		0.00 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.086 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 checked="" 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 checked="" type="checkbox"/> Parkland			

		NO	YES	N A
5. Is the proposed action,	a. A permitted use under the zoning regulations?	<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?		<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: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	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 type="checkbox"/>	<input checked="" 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: _____ _____		<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: _____		<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: _____		<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?	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 checked="" type="checkbox"/>	<input 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?		<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: _____ Although NYS indicates that PUBH and PFD 1/SS1A may be present on the site. However, based on a site visit on November 29, 2019 confirmed that no federal wetlands or state wetlands are present in the work area. Accordingly, no wetlands will be impacted by this action.				



14 Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

Shoreline    Forest    Agricultural grasslands    Early mid-successional  
 Wetland    Urban    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 type="checkbox"/>	<input checked="" type="checkbox"/>

17. Will the proposed action create storm water discharge, either from point or non-point sources?  
If Yes,

a. Will storm water discharges flow to adjacent properties?

	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>

b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?  
If Yes, briefly describe

	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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 checked="" type="checkbox"/>	<input type="checkbox"/>

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: Monroe County Tim Murphy Date 3-2-21

Signature: *Tim Murphy* Title: Director

**PRINT FORM**

**Disclaimer:** The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbook. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

Map data © OpenStreetMap contributors, and the GIS User Community

Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	Yes
Part 1 / Question 20 [Remediation Site]	No

Agency Use Only (If applicable)

Project:

Date:

**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:		
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**

Project: \_\_\_\_\_  
 Date: \_\_\_\_\_

**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.

The action is for replacement of a box culvert that allows a class C stream to flow under English Road and easement acquisition for right-of-way related to this roadwork. Although, no moderate to large impacts have been identified on the project site, it is host to both a stream and wetlands that need be evaluated for adverse environmental impacts.

Replacement and rehabilitation of the existing box culvert may temporarily impact the stream and wetlands. All disturbance will be temporary, limited to the period of construction, and will not encroach on or permanently alter existing nearby wetlands. Site visits have confirmed that no federal wetlands or state mapped wetlands or wetland checkzones are located in or adjacent to the proposed project and construction area. Additionally, Monroe County anticipates a Protection of Waters Permit to engage in stream disturbance pursuant to New York State Law. Monroe County will follow all requirements to work in the stream, including time constraints, and remedial measures that are required by the New York State Department of Environmental Conservation. Accordingly, after consideration of the potential impacts to the stream and wetlands, it has been determined that no significant adverse environmental impacts from this action will occur.

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.

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

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

**PRINT FORM**



By Legislators Dondorfer and Wilt

Intro. No. \_\_\_\_

RESOLUTION NO. \_\_ OF 2021

CLASSIFICATION OF ACTION AND DETERMINATION OF SIGNIFICANCE PURSUANT TO STATE ENVIRONMENTAL QUALITY REVIEW ACT FOR ACQUISITION OF REAL PROPERTY FOR ENGLISH ROAD HIGHWAY IMPROVEMENT PROJECT IN THE TOWN OF GREECE

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. The Monroe County Legislature determines that the acquisition of the referenced properties in the Town of Greece is an Unlisted Action.

Section 2. The Monroe County Legislature has reviewed and considered the Short-Environmental Assessment Form dated March 2, 2021 and has considered the potential environmental impacts of the acquisition of real property referenced in the Town of Greece pursuant to the requirements of State Environmental Quality Review Act and has found that the proposed action will not result in any significant adverse environmental impacts. The Monroe County Legislature hereby issues and adopts the Negative Declaration attached hereto and made a part hereof and determines that an environmental impact statement is not required.

<u>Parcel</u>	<u>Owner</u>	<u>Amount</u>
Map 14 Parcel 1 TE 1264 sf 1700 English Road T.A. # 059.01-3-56.11 Town of Greece	1700 English Road LLC Buckingham Properties 259 Alexander Street Rochester, NY 14607	\$700.00 TE
Map 15 Parcel 1 PE 2,314 sf Parcel 2 TE 1,426 sf 1687 English Road T.A. # 059.01-6-8 Town of Greece	English Pines Management. LLC Brian Justice 212 Edgemere Drive Rochester, NY 14612	\$11,800.00 PE \$700.00 TE
Map 16 Parcel 1 TE 1,084 sf 1680 English Road T.A # 059.01-3-56.14 Town of Greece	846 LPR Buckingham Properties 259 Alexander Street Rochester, NY 14607	\$100.00 TE
Map 17 Parcel 1 PE 586 sf Parcel 2 TE 1,273 sg 1677 English Road T.A. #059.01-6-9 Town of Greece	Brian Justice 212 Edgemere Drive Rochester, NY 14612	\$2,000.00 PE \$200.00 TE

40.2

Map 18  
Parcel 1 TE 2,436 sf  
English Road  
T.A. # 059.01-3-55  
Town of Greece

Town of Greece  
1 Vince Tofany Blvd  
Rochester, NY 14612

\$100.00 \* TE  
Waived

Map 19  
Parcel 1 PE 2,250 sf  
18 Old English Drive  
T.A. # 059.11-3-68  
Town of Greece

Ladd D. Dromgold  
Cathy H. Dromgold  
18 Old English Road  
Rochester, NY 14616

\$3,400.00 PE

Map 20  
Parcel 1 PE 378 sf  
Parcel 2 TE 2,034 sf  
English Road  
T.A. # 059.11-1-12  
Town of Greece

Jack R. Ritter  
Aaron S. Ritter  
1300 English Road  
Rochester, NY 14616

\$400.00 PE  
\$200.00 TE

Map 21  
Parcel 1 PE 1,254 sf  
Parcel 2 TE 2,579 sf  
T.A. # 059.11-1-13  
Town of Greece

Jack R. Ritter  
Aaron Ritter  
1300 English Road  
Rochester, NY 14616

\$1,800.00 PE  
\$400.00 TE

Section 3. The County Executive, or his designee, is hereby authorized 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.

Section 4. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0151

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_

### Short Environmental Assessment Form Part I - Project Information

#### Instructions for Completing

Part I - Project Information. The applicant or project sponsor is responsible for the completion of Part I. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part I 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 I. 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.

<b>Part I - Project and Sponsor Information</b>			
Name of Action or Project: English Road Reconstruction Project			
Project Location (describe, and attach a location map): 1700 English Rd 059 01-3 58 11 1687 English Rd 059 01-6 9 1530 English Rd 059 01-3-56 14 1677 English Rd 059 01-6-5, English Rd 059 01-3-55			
Brief Description of Proposed Action: The action is for replacement of a box culvert that allows a class C stream to flow under English Road and easement acquisition for right-of-way related to this roadwork. Replacement of the culvert will entail removal and re installation of a culvert with temporary impacts to the class C stream, that requires a Protection of Waters Permit from the New York State Department of Environmental Conservation. Limited easement's will be acquired on several parcels. Temporary Easements for construction work will be needed at 1700, 1687, 1580, and 1677 English Drive. Permanent easements of approximately 68 acres of land will be acquired on 1537 and 1677. Easement acquisition has been requested by New York State Department of Transportation to ensure sufficient right of way to operate and maintain English Road			
Name of Applicant or Sponsor: Monroe County		Telephone: 525-753-1233	
Address: 39 West Main Street		E-Mail:	
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 project in Part 2.		NO <input checked="" 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 checked="" type="checkbox"/>	YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		0.026 acres	
b. Total acreage to be physically disturbed?		0.06 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.056 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 checked="" 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 checked="" type="checkbox"/> Parkland			



5. Is the proposed action,		NO	YES	N A
a. A permitted use under the zoning regulations?		<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?		NO	YES	
If Yes, identify:		<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	
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 type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?		NO	YES	
If the proposed action will exceed requirements, describe design features and technologies.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public private water supply?		NO	YES	
If No, describe method for providing potable water.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?		NO	YES	
If No, describe method for providing wastewater treatment:		<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 checked="" type="checkbox"/>	<input 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				
Although NMI indicates that PUEH and PFD1/SS1A may be present on the site. However, based on a site visit on November 23, 2019 confirmed that no federal wetlands or state wetlands are present in the work area. Accordingly, no wetlands will be impacted by this action.				

14 Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

Shoreline  Forest  Agricultural grasslands  Early mid-successional  
 Wetland  Urban  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 type="checkbox"/>	<input checked="" type="checkbox"/>

17. Will the proposed action create storm water discharge, either from point or non-point sources?

If Yes

a. Will storm water discharges flow to adjacent properties?

NO	YES
<input checked="" type="checkbox"/>	<input type="checkbox"/>

b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?

NO	YES
<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 checked="" type="checkbox"/>	<input type="checkbox"/>

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: Monroe County/TX MUTCO Date: 3-2-21

Signature: [Handwritten Signature] Title: Director

PRINT FORM

EAF Mapper Summary Report

Thursday, August 6, 2020 12:02 PM

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Samlin, USGS, Intermap, WIRENET, HRC, Can, Esp, Japan, MEN, and the GIS User Community  
Korea, Esp (Thailand), PACC, (Open Source) and the GIS User Community

- Part 1 / Question 7 [Critical Environmental Area] No
- Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites] No
- Part 1 / Question 12b [Archeological Sites] No
- Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies] Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook
- Part 1 / Question 15 [Threatened or Endangered Animal] No
- Part 1 / Question 16 [100 Year Flood Plain] Yes
- Part 1 / Question 20 [Remediation Site] No

40.7

Agency Use Only (If applicable)

Project:

Date:

*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"/>
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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**

40.8

Agency Use Only (if applicable)

Project: \_\_\_\_\_

Date: \_\_\_\_\_

**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.

The action is for replacement of a box culvert that allows a class C stream to flow under English Road and easement acquisition for right-of-way related to this roadwork. Although, no moderate to large impacts have been identified on the project site, it is host to both a stream and wetlands that need be evaluated for adverse environmental impacts.

Replacement and rehabilitation of the existing box culvert may temporarily impact the stream and wetlands. All disturbance will be temporary, limited to the period of construction, and will not encroach on or permanently alter existing nearby wetlands. Site visits have confirmed that no federal wetlands or state mapped wetlands or wetland checkzones are located in or adjacent to the proposed project and construction area. Additionally, Monroe County anticipates a Protection of Waters Permit to engage in stream disturbance pursuant to New York State Law. Monroe County will follow all requirements to work in the stream, including time constraints, and remedial measures that are required by the New York State Department of Environmental Conservation. Accordingly, after consideration of the potential impacts to the stream and wetlands, it has been determined that no significant adverse environmental impacts from this action will occur.

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 a moderate to large or significant adverse impact and an environmental impact statement is required.

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

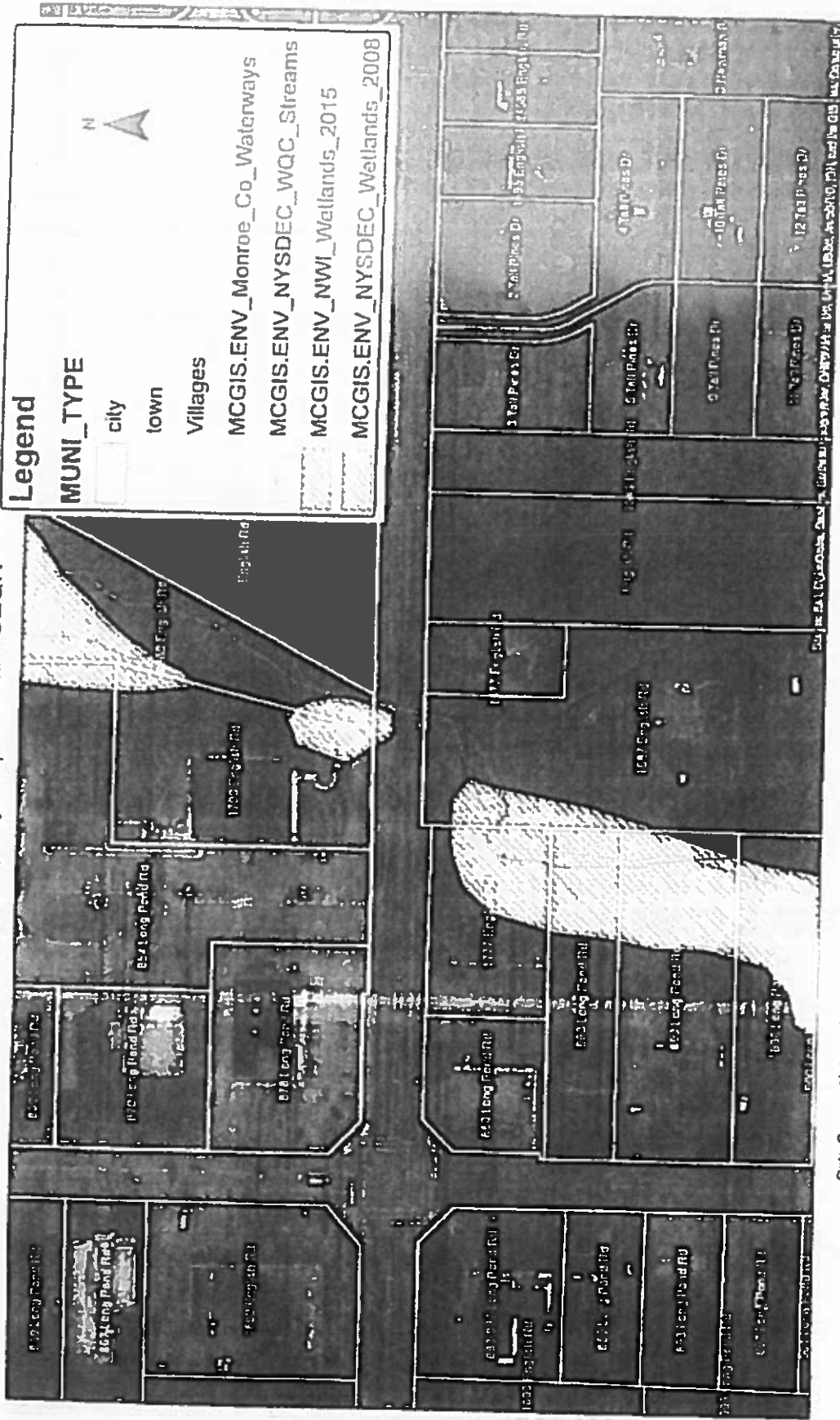
Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

**PRINT FORM**

1700, 1687, 1680, 1677 English Road Property Acquisitions - SEQR



Data Source: National Wetlands Inventory, 2015; NYS DEC Freshwater Wetlands Map 2008; Monroe County Office of Real Property Services

Map prepared by Monroe County Department of Planning & Development. This map is for GENERAL PLANNING PURPOSE ONLY and is provided without guarantee for any specific or implied use.



**ATTACHMENTS:**

	<b>Description</b>	<b>File Name</b>	<b>Type</b>
▢	<b>Referral</b>	<b>R21-0152.pdf</b>	<b>Referral Letter</b>
▢	<b>Resolution</b>	<b>ITEM_41.pdf</b>	<b>Resolution</b>

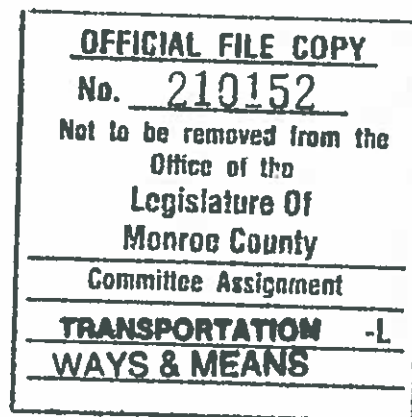


Office of the County Executive

Monroe County, New York

Adam J. Bello
County Executive

April 9, 2021



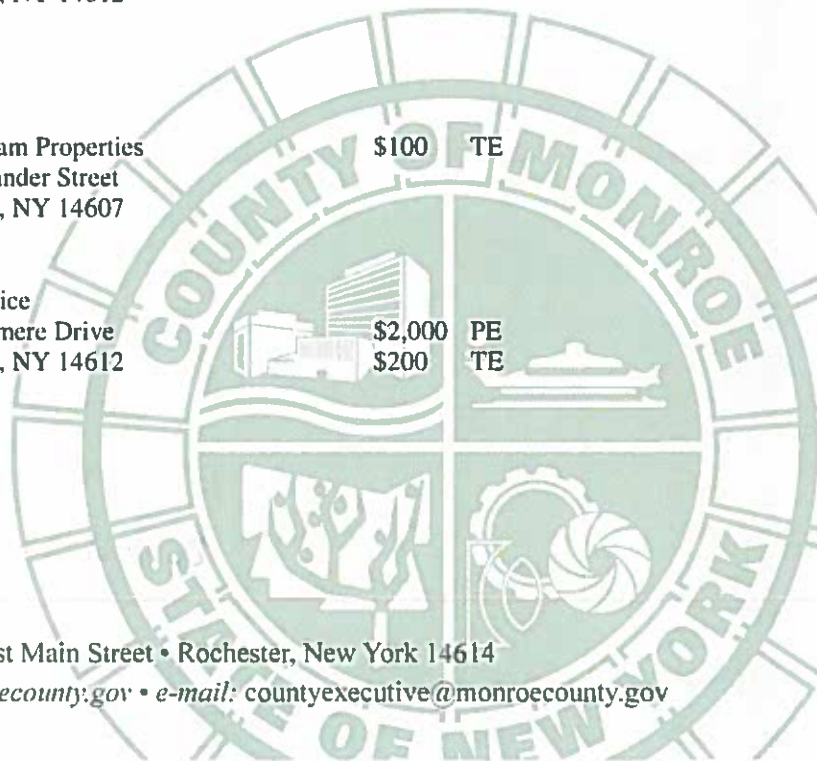
To The Honorable
Monroe County Legislature
407 County Office Building
Rochester, New York 14614

Subject: Authorize the Acquisition of Interests in Real Property for the English Road Highway Improvement Project in the Town of Greece

Honorable Legislators:

I recommend that Your Honorable Body authorize the acquisition of interests in real property for the English Road Highway Improvement Project in the Town of Greece from the property owners described as follows:

Table with 3 columns: Parcel, Owner, Amount. Contains details for four maps (Map 14, 15, 16, 17) including parcel descriptions, owner names, and amounts.





Map 18 Parcel 1 TE 2,436 sf English Road T.A. # 059.01-3-55 Town of Greece	Town of Greece 1 Vince Tofany Blvd Rochester, NY 14612	\$100 * TE Waived
Map 19 Parcel 1 PE 2,250 sf 18 Old English Drive T.A. # 059.11-3-68 Town of Greece	Ladd D. Dromgold Cathy H. Dromgold 18 Old English Road Rochester, NY 14616	\$3,400 PE
Map 20 Parcel 1 PE 378 sf Parcel 2 TE 2,034 sf English Road T.A. # 059.11-1-12 Town of Greece	Jack R. Ritter Aaron S. Ritter 1300 English Road Rochester, NY 14616	\$400 PE \$200 TE
Map 21 Parcel 1 PE 1,254 sf Parcel 2 TE 2,579 sf T.A. # 059.11-1-13 Town of Greece	Jack R. Ritter Aaron Ritter 1300 English Road Rochester, NY 14616	\$1,800 PE \$400 TE

**The specific legislative action required is to authorize the County Executive, or his designee, to acquire the referenced property interests and execute all documents necessary for the English Road Highway Improvement Project at the tax identification numbers identified above in the Town of Greece by contract and/or the Eminent Domain Procedure Law, along with any amendments for unanticipated damages, within the total capital fund(s) appropriation.**

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 these acquisitions is included in the 2021 operating budget of the Department of Transportation, road fund 9002, funds center 8002050000, Consolidated Local Street and Highway Improvement Program (CHIPS). No additional net County support is required in the current Monroe County budget.

The records in the Office of the Monroe County Treasury have indicated that the individual property owner(s) listed above do not owe any delinquent Monroe County property taxes.

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

By Legislators Colby and Delehanty

Intro. No. \_\_\_\_

RESOLUTION NO. \_\_ OF 2021

**AUTHORIZING ACQUISITION OF INTERESTS IN REAL PROPERTY FOR ENGLISH ROAD HIGHWAY IMPROVEMENT PROJECT IN TOWN OF GREECE**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. The County Executive, or his designee, is hereby authorized to acquire the referenced property interests and execute all documents necessary for the English Road Highway Improvement in the Town of Greece by contract and/or the Eminent Domain Procedure Law, along with any amendments for unanticipated damages, within the total capital fund(s) appropriation.

<u>Parcel</u>	<u>Owner</u>	<u>Amount</u>
Map 14 Parcel 1 TE 1264 sf 1700 English Road T.A. # 059.01-3-56.11 Town of Greece	1700 English Road LLC Buckingham Properties 259 Alexander Street Rochester, NY 14607	\$700.00 TE
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Jack R. Ritter  
Aaron Ritter  
1300 English Road  
Rochester, NY 14616

\$1,800.00 PE  
\$400.00 TE

Section 2. Funding for these acquisitions is included in the 2021 operating budget of the Department of Transportation, road fund 9002, funds center 8002050000, Consolidated Local Street and Highway Improvement Program (CHIPS).

Section 3. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0152

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

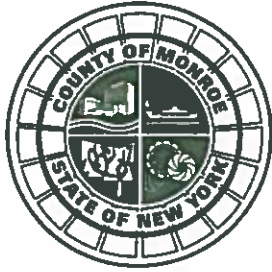
SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_



**ATTACHMENTS:**

	<b>Description</b>	<b>File Name</b>	<b>Type</b>
▣	<b>Referral</b>	<b>R21-0153.pdf</b>	<b>Referral Letter</b>
▣	<b>Resolution</b>	<b>ITEM_42.pdf</b>	<b>Resolution</b>

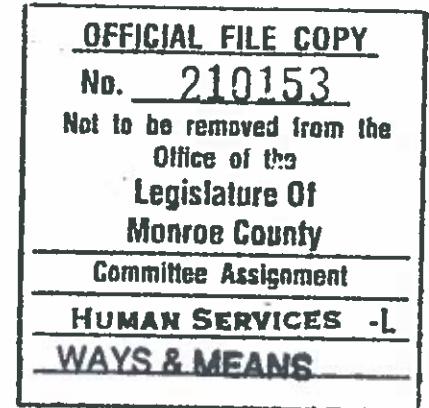


# Office of the County Executive

Monroe County, New York

Adam J. Bello  
County Executive

April 9, 2021



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

Subject: Authorize a Contract with the University of Rochester Medical Center for Medical Services for Monroe Community Hospital

Honorable Legislators:

I recommend that Your Honorable Body authorize a contract with the University of Rochester Medical Center ("University"), in an amount not to exceed \$2,501,323 to provide medical services for Monroe Community Hospital ("MCH") for the period of May 1, 2021 through April 30, 2022, with the option to renew for four (4) additional one-year terms at a rate of increase not to exceed 2.25% per year.

This will be the 56<sup>th</sup> year that MCH and the University have maintained an affiliation agreement for physician services for patients of MCH. The provision for medical services to be provided to MCH through this contract is permitted pursuant to Section C6-17(B)(5) of the Monroe County Charter. Through the contract, the University will provide all of the medical services for MCH required by the New York State Department of Health. The contract will include a Medical Director and medical staff to develop and monitor standards of medical practice within MCH, and coordinate patient care and all related issues with MCH Administration.

A Request for Proposals was issued with the University of Rochester Medical Center selected as the most qualified to provide this service.

The specific legislative action required is to authorize a contract with the University of Rochester Medical Center, 601 Elmwood Avenue, Rochester, New York 14642, to provide medical services for Monroe Community Hospital in the amount of \$2,501,323, for the period of May 1, 2021 through April 30, 2022, with the option to renew for four (4) additional one-year terms at a rate of increase not to exceed 2.25% per year.

This action is a Type II Action pursuant to 6 NYCRR § 617.5(c)(26) ("routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment") and is not subject to further review under the State Environmental Quality Review Act.

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(585) 753-1000 • fax: (585) 753-1014 • www.monroecounty.gov • e-mail: countyexecutive@monroecounty.gov

Funding for this contract is included in the 2021 operating budget of Monroe Community Hospital, fund 9012, funds center 6205060000, Medical Administration and will be requested in future years' budgets. No additional net County support is required in the current Monroe County budget.

The University of Rochester Medical Center is a not-for-profit agency, and the records in the Office of the Monroe County Treasury have indicated that it does not owe any delinquent Monroe County property taxes.

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

42.

By Legislators Smith and Delehanty

Intro. No. \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_ OF 2021

**AUTHORIZING CONTRACT WITH UNIVERSITY OF ROCHESTER MEDICAL CENTER FOR MEDICAL SERVICES FOR MONROE COMMUNITY HOSPITAL**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. This legislative body authorizes a contract with the University of Rochester Medical Center to provide medical services for Monroe Community Hospital in the amount of \$2,501,323 for the period of May 1, 2021 through April 30, 2022, with the option to renew for four (4) additional one-year terms at a rate of increase not to exceed 2.25% per year.

Section 2. Funding for this contract is included in the 2021 operating budget of Monroe Community Hospital, fund 9012, funds center 6205060000, Medical Administration and will be requested in future years' budgets.

Section 3. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0153

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

**ACTION BY THE COUNTY EXECUTIVE**

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_



**ATTACHMENTS:**

	<b>Description</b>	<b>File Name</b>	<b>Type</b>
▢	<b>Referral</b>	<b>R21-0154.pdf</b>	<b>Referral Letter</b>
▢	<b>Resolution</b>	<b>ITEM_43.pdf</b>	<b>Resolution</b>





# Office of the County Executive

Monroe County, New York

Adam J. Bello  
County Executive

April 9, 2021

<b>OFFICIAL FILE COPY</b>
No. <u>210154</u>
Not to be removed from the Office of the Legislature Of Monroe County
<del>Committee Assignment</del>
<b>ENV. &amp; PUB. WORKS</b>
<b>WAYS &amp; MEANS</b>

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

**Subject:** Amend the 2021-2026 Capital Improvement Program and the 2021 Capital Budget to Add a Project Entitled "Energy Improvement Equipment Acquisition" and Authorize Financing for the Project

Honorable Legislators:

I recommend that Your Honorable Body amend the 2021-2026 Capital Improvement Program and the 2021 Capital Budget to add a project entitled "Energy Improvement Equipment Acquisition" in the amount of \$12,900,000 and authorize financing for the project in an amount not to exceed \$12,900,000.

By Resolution Nos. 128 of 2013, 217 of 2013, 115 of 2017, and 116 of 2017, Your Honorable Body authorized certain energy improvement projects at the Monroe County Correctional Facility, the Monroe County Civic Center Complex, and various facilities of the Rochester Pure Waters District. The acquisition and installation of the energy improvement equipment was financed under agreements with New York Power Authority ("NYPA") as variable rate loans, with each of the interest rates adjusted annually on January 1 based on NYPA's cost of borrowing.

NYPA's changing financial position has resulted in their demand that Monroe County refinance the existing loan from outside sources. The fixed-rate financing program recommended by NYPA, however, includes interest and fees exceeding what Monroe County could obtain on the open market under current economic conditions. As such, we are requesting authority to issue County general obligation bonds to purchase the energy improvement equipment currently securing the NYPA loans.

To avoid issuing bonds over a longer period than the remaining loan terms, the annual bond maturities will be structured to closely resemble the current loan repayment schedule.

This project is scheduled to be considered by the Monroe County Planning Board on April 29, 2021.

**The specific legislative actions required are:**

1. Amend the 2021-2026 Capital Improvement Program to add a project entitled "Energy Improvement Equipment Acquisition" in the amount of \$12,900,000.

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2. Amend the 2021 Capital Budget to add a project entitled "Energy Improvement Equipment Acquisition" in the amount of 12,900,000.
3. Authorize financing for the project entitled "Energy Improvement Equipment Acquisition" in an amount not to exceed \$12,900,000.

The legislative action is a Type II action pursuant to 6 NYCRR §617.5(c)(29) ("investments by or on behalf of agencies or pension or retirement systems, or refinancing existing debt") and is not subject to further review under the State Environmental Quality Review Act.

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

AJB:db

By Legislators Dondorfer and Delehanty

Intro. No. \_\_\_\_\_

RESOLUTION NO. \_\_\_\_ OF 2021

**AMENDING 2021-2026 CAPITAL IMPROVEMENT PROGRAM TO ADD PROJECT ENTITLED "ENERGY IMPROVEMENT EQUIPMENT ACQUISITION"**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. The 2021-2026 Capital Improvement Program is hereby amended to add a project entitled "Energy Improvement Equipment Acquisition" in the amount of \$12,900,000.

Section 2. Funding for this project, consistent with authorized uses, will be included in the capital fund to be created and any other capital fund(s) created for the same intended purpose.

Section 3. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0154

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_



**ATTACHMENTS:**

	<b>Description</b>	<b>File Name</b>	<b>Type</b>
▢	<b>Referral</b>	<b>R21-0154.pdf</b>	<b>Referral Letter</b>
▢	<b>Resolution</b>	<b>ITEM_44.pdf</b>	<b>Resolution</b>



# Office of the County Executive

Monroe County, New York

Adam J. Bello  
County Executive

April 9, 2021

<b>OFFICIAL FILE COPY</b>
No. <u>210154</u>
Not to be removed from the Office of the Legislature Of Monroe County
<del>Committee Assignment</del>
<b>ENV. &amp; PUB. WORKS</b>
<b>WAYS &amp; MEANS</b>

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

**Subject:** Amend the 2021-2026 Capital Improvement Program and the 2021 Capital Budget to Add a Project Entitled "Energy Improvement Equipment Acquisition" and Authorize Financing for the Project

Honorable Legislators:

I recommend that Your Honorable Body amend the 2021-2026 Capital Improvement Program and the 2021 Capital Budget to add a project entitled "Energy Improvement Equipment Acquisition" in the amount of \$12,900,000 and authorize financing for the project in an amount not to exceed \$12,900,000.

By Resolution Nos. 128 of 2013, 217 of 2013, 115 of 2017, and 116 of 2017, Your Honorable Body authorized certain energy improvement projects at the Monroe County Correctional Facility, the Monroe County Civic Center Complex, and various facilities of the Rochester Pure Waters District. The acquisition and installation of the energy improvement equipment was financed under agreements with New York Power Authority ("NYPA") as variable rate loans, with each of the interest rates adjusted annually on January 1 based on NYPA's cost of borrowing.

NYPA's changing financial position has resulted in their demand that Monroe County refinance the existing loan from outside sources. The fixed-rate financing program recommended by NYPA, however, includes interest and fees exceeding what Monroe County could obtain on the open market under current economic conditions. As such, we are requesting authority to issue County general obligation bonds to purchase the energy improvement equipment currently securing the NYPA loans.

To avoid issuing bonds over a longer period than the remaining loan terms, the annual bond maturities will be structured to closely resemble the current loan repayment schedule.

This project is scheduled to be considered by the Monroe County Planning Board on April 29, 2021.

**The specific legislative actions required are:**

1. Amend the 2021-2026 Capital Improvement Program to add a project entitled "Energy Improvement Equipment Acquisition" in the amount of \$12,900,000.

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2. Amend the 2021 Capital Budget to add a project entitled "Energy Improvement Equipment Acquisition" in the amount of 12,900,000.
3. Authorize financing for the project entitled "Energy Improvement Equipment Acquisition" in an amount not to exceed \$12,900,000.

The legislative action is a Type II action pursuant to 6 NYCRR §617.5(c)(29) ("investments by or on behalf of agencies or pension or retirement systems, or refinancing existing debt") and is not subject to further review under the State Environmental Quality Review Act.

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

AJB:db

By Legislators Dondorfer and Delehanty

Intro. No. \_\_\_\_

RESOLUTION NO. \_\_\_\_ OF 2021

BOND RESOLUTION DATED MAY 11, 2021

**RESOLUTION AUTHORIZING THE ISSUANCE OF \$12,900,000 BONDS OF THE COUNTY OF MONROE, NEW YORK, TO FINANCE THE COST OF AN ENERGY IMPROVEMENT EQUIPMENT ACQUISITION PROJECT IN AND FOR SAID COUNTY, AT AN ESTIMATED MAXIMUM COST OF \$12,900,000**

BE IT RESOLVED BY THE AFFIRMATIVE VOTE OF NOT LESS THAN TWO-THIRDS OF THE TOTAL VOTING STRENGTH OF THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. For the object or purpose of financing the cost of an Energy Improvement Equipment Acquisition Project, in and for the County of Monroe, New York (the "County"), consisting a various equipment and related improvements originally undertaken through the New York Power Authority, there are hereby authorized to be issued \$12,900,000 bonds of the County, pursuant to the provisions of the Local Finance Law. The duly adopted current Capital Budget of the County, to the extent inconsistent herewith, is hereby amended to provide for the appropriation of the amount hereby authorized to pay the cost of the aforesaid class of objects or purposes. The period of probable usefulness of the aforesaid class of objects or purposes is at least fifteen (15) years, pursuant to subdivision 91 (subdivisions 4,12(a) and 35) of paragraph a of Section 11.00 of the Local Finance Law.

Section 2. The maximum estimated cost thereof is \$12,900,000, and the plan for the financing thereof is by the issuance of \$12,900,000 bonds of said County herein authorized; provided, however, that to the extent any state and/or federal aid and/or grant and/or gift is received for the aforesaid purpose, such aid shall be used to redeem any outstanding indebtedness incurred for such purpose or shall be applied, dollar for dollar, to reduce the amount of bonds to be issued for such purpose.

Section 3. The faith and credit of the County are hereby irrevocably pledged for the payment of the principal of and interest on such obligations 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 obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell the bonds and 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 Director of Finance - Chief Financial Officer, the chief fiscal officer of the County under the Local Finance Law. The Director of Finance - Chief Financial Officer may sell such bonds or notes at public or private sale, at a discount or premium, at fixed or variable rates of interest or at no interest whatsoever, or as capital appreciation bonds, and with such amortization of principal as the Director of Finance - Chief Financial Officer shall determine is most favorable to the County, and in compliance with any rules of the State Comptroller applicable thereto. Such bonds or notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Director of Finance - Chief Financial Officer, consistent with the provisions of the Local Finance Law. The Director of Finance - Chief Financial Officer may, in the event it is determined to issue

variable rate bonds or notes, enter into such agreements as said officer finds reasonable to facilitate the issuance, sale, resale and repurchase of such bonds or notes, as authorized under Section 54.90 of the Local Finance Law. The Director of Finance - Chief Financial Officer is also authorized to enter into such agreements and take such other action as may be necessary or appropriate and lawful to assure that, to the extent possible, (i) interest on the bonds and notes authorized hereby will not be includable in the gross income, for federal income tax purposes, of the recipients thereof, and (ii) to enable the purchaser thereof to comply with Securities and Exchange Commission Rule 15c2-12. The Director of Finance - Chief Financial Officer is hereby further delegated all powers of this County Legislature with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for such bonds or notes, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

Section 5. All other matters, except as provided herein, relating to such bonds or notes, including prescribing whether manual or facsimile signatures shall appear on said bonds or notes, prescribing the method for the recording of ownership of said bonds or notes, appointing the fiscal agent or agents for said bonds or notes, providing for the printing and delivery of said bonds or notes (and if said bonds or notes are to be executed in the name of the County by only facsimile signatures, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, form, denominations, maturities, interest rate or rates, terms of and manner of sale and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Director of Finance - Chief Financial Officer. The Director of Finance - Chief Financial Officer may elect to become the fiscal agent for the bonds or notes, or may contract on behalf of the County for this service pursuant to the Local Finance Law. Such bonds or notes 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 52.00 of the Local Finance Law, as the Director of Finance - Chief Financial Officer shall determine.

Section 6. The validity of such bonds and bond anticipation notes, as authorized by this resolution, may be contested only if:

- 1) such obligations are authorized for an object or purpose for which said County 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 (20) days after the date of such publication, or
- 3) such obligations are authorized in violation of the provisions of the Constitution.

Section 7. This resolution shall constitute a statement of official intent for purposes of Section 1.150-2 of the Treasury Regulations. 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 objects or purposes described herein.

Section 8. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter and the Clerk of the Legislature is hereby authorized and directed to publish this resolution or a summary hereof to be published, together with a notice attached in substantially the form and in the manner prescribed by Section 81.00 of the Local Finance Law.



44.3

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0154.br

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_



**ATTACHMENTS:**

	<b>Description</b>	<b>File Name</b>	<b>Type</b>
▣	<b>Referral</b>	<b>R21-0155.pdf</b>	<b>Referral Letter</b>
▣	<b>Resolution</b>	<b>ITEM_45.pdf</b>	<b>Resolution</b>

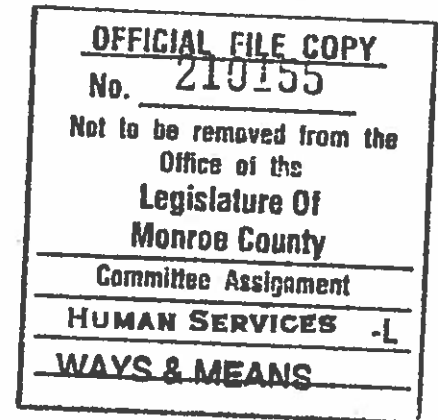


*Office of the County Executive*

Monroe County, New York

Adam J. Bello  
County Executive

April 9, 2021



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

Subject: Amend Resolution 431 of 2020, as Amended by Resolution 24 of 2021, Authorize Contracts for the Provision of Mental Health, Developmental Disability, and Alcoholism and Substance Abuse Services in 2021 for the Monroe County Office of Mental Health

Honorable Legislators:

I recommend that Your Honorable Body amend Resolution 431 of 2020, as amended by Resolution 24 of 2021, authorizing contracts for the provision of Mental Health, Developmental Disability, and Alcoholism and Substance Abuse Services in 2021 from an amount not to exceed \$40,120,086 to an amount not to exceed \$41,120,086 for the period of January 1, 2021 through December 31, 2021.

The FIT program was established in September 2017 as a partnership between the Monroe County Office of Mental Health and every law enforcement agency in Monroe County. Its purpose is to provide mental health intervention to individuals who come into contact with law enforcement. The goal is to de-escalate crisis situations and avoid unnecessary emergency department visits and arrests. FIT program staff respond to 9-1-1 calls jointly with law enforcement and also separately respond to referrals and make follow-up visits to individuals as needed. Since its start, the program has resulted in a significant number of individuals being diverted from repeated law enforcement contacts and emergency department visits, while becoming connected to treatment and supports.

With this requested additional funding, Coordinated Care Services, Inc. will expand the FIT Program by hiring twelve (12) additional Mobile Forensic Specialists. Additional positions will be added to the program through other funding sources.

**The specific legislative action required is to amend Resolution 431 of 2020, as amended by Resolution 24 of 2021, authorizing contracts for the provision of Mental Health, Developmental Disability, and Alcoholism and Substance Abuse Services in 2021 from an amount not to exceed \$40,120,086 to an amount not to exceed \$41,120,086 for the period of January 1, 2021 through December 31, 2021.**

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This action is a Type II Action pursuant to 6 NYCRR 617.5(c)(26) (“routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment”) and is not subject to further review under the State Environmental Quality Review Act.

Funding for this contract increase is included in the 2021 operating budget of the Department of Human Services, general fund 9001, funds center 5702010000, Mental Health Services. No additional net County support is required in the current Monroe County budget.

Coordinated Care Services, Inc. is a not-for-profit agency and the records in the Office of the Monroe County Treasury have indicated that it does not owe any delinquent Monroe County property taxes.

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

AJB:db

45.

By Legislators Smith and Delehanty

Intro. No. \_\_\_\_\_

RESOLUTION NO. \_\_\_\_ OF 2021

**AMENDING RESOLUTION 431 OF 2020, AS AMENDED BY RESOLUTION 24 OF 2021, AUTHORIZING CONTRACTS FOR PROVISION OF MENTAL HEALTH, DEVELOPMENTAL DISABILITY, AND ALCOHOLISM AND SUBSTANCE ABUSE SERVICES IN 2021 FOR MONROE COUNTY OFFICE OF MENTAL HEALTH**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. Section 1 of Resolution 431 of 2020, as amended by Resolution 24 of 2021, is amended as follows:

The County Executive, or his designee, is hereby authorized to execute contracts, and any amendments thereto, with the agencies listed in Attachment A and any other agencies as necessary to provide mental health, developmental disability, and alcoholism and substance abuse services for Monroe County residents, in a total amount not to exceed ~~\$40,120,086~~ \$41,120,086 for the period of January 1, 2021 through December 31, 2021.

Section 2. Funding for this contract increase is included in the 2021 operating budget of the Department of Human Services, general fund 9001, funds centers 5702010000, Mental Health Services.

Section 3. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0155

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_

Added language is underlined  
Deleted language is ~~stricken~~



**ATTACHMENTS:**

	<b>Description</b>	<b>File Name</b>	<b>Type</b>
▢	<b>Referral</b>	<b>R21-0163.pdf</b>	<b>Referral Letter</b>
▢	<b>Resolution</b>	<b>ITEM_46.pdf</b>	<b>Resolution</b>



# Office of the County Executive

Monroe County, New York

Adam J. Bello  
County Executive

April 22, 2021

<b>OFFICIAL FILE COPY</b>
No. <u>210163</u>
Not to be removed from the Office of the Legislature Of Monroe County
Committee Assignment
<b>HUMAN SERVICES -L</b>
<b>WAYS &amp; MEANS</b>

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

**Subject:** Authorize a Contract with Trybe Ecotherapy, LLC for the Provision of a Pilot Mental Health Program as a Holistic Option for Veterans Struggling with Mental Illness for the Monroe County Department of Veteran Services

Honorable Legislators:

I recommend that Your Honorable Body authorize a contract with Trybe Ecotherapy, LLC in an amount not to exceed \$125,000 for the provision of mental health services for the Monroe County Department of Veteran Services for the period of May 1, 2021 through April 30, 2022.

This contract will support the Monroe County response to the unacceptably high overdose and suicide rates within the Veteran community by providing a holistic and alternative approach that is not otherwise offered to Veterans. In regard to the pilot component, Trybe Ecotherapy, LLC will provide data to be analyzed by Monroe County and presented as evidence to determine the program's efficacy and potential for expansion.

A request for proposals was issued with Trybe Ecotherapy, LLC the sole responder.

**The specific legislative action required is to authorize the County Executive, or his designee, to execute a contract, and any amendments thereto, with Trybe Ecotherapy, LLC, 185 Caroline Street, Rochester, New York 14620, for the provision of mental health services for the Monroe County Department of Veteran Services in an amount not to exceed \$125,000 for the period of May 1, 2021 through April 30, 2022.**

This action is a Type II Action pursuant to 6 NYCRR 617.5(c)(26) ("routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment") and is not subject to further review under the State Environmental Quality Review Act.

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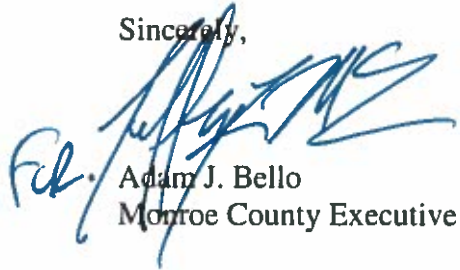
Funding for this contract is included in the 2021 operating budget of the Veterans Service Agency Department, general fund 9001, funds center 7401010000, Veterans Service Agency. No additional net County support is required in the current Monroe County budget.

The records in the Office of the Monroe County Treasury have indicated that neither Trybe Ecotherapy, LLC, nor any of its principal officers, owe any delinquent Monroe County property taxes. The principal officers of the company are:

Lyndsay Cray, CEO  
Meredith Rutherford, Chief Strategy Officer

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

Sincerely,

A handwritten signature in blue ink, appearing to read 'Adam J. Bello', is written over the typed name. To the left of the signature, the initials 'Fcb.' are written in blue ink.

Adam J. Bello  
Monroe County Executive



By Legislators Hebert, Allkofer and Wilt

Intro. No. \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_ OF 2021

**AUTHORIZING CONTRACT WITH TRYBE ECOTHERAPY, LLC FOR PROVISION OF PILOT MENTAL HEALTH PROGRAM AS A HOLISTIC OPTION FOR VETERANS STRUGGLING WITH MENTAL ILLNESS FOR MONROE COUNTY DEPARTMENT OF VETERANS SERVICES**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. The County Executive, or his designee, is hereby authorized to execute a contract, and any amendments thereto, with Trybe Ecotherapy, LLC for the provision of mental health services for the Monroe County Department of Veterans Services in an amount not to exceed \$125,000 for the period of May 1, 2021 through April 30, 2022.

Section 2. Funding for this contract is included in the 2021 operating budget of the Veterans Service Agency Department, general fund 9001, funds center 7401010000, Veterans Service Agency.

Section 3. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0163

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_



**ATTACHMENTS:**

	<b>Description</b>	<b>File Name</b>	<b>Type</b>
▣	<b>Referral</b>	<b>R21-0165.pdf</b>	<b>Referral Letter</b>
▣	<b>Resolution</b>	<b>ITEM_47.pdf</b>	<b>Resolution</b>



# Monroe County Legislature

**Vincent R. Felder**  
Democratic Minority Leader

**Ernest Flagler-Mitchell**  
Black & Asian Caucus Leader

**Frank Keophetlasy**  
Legislator – District 28

May 10, 2021

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

**Subject: Authorize the Allocation of Emergency Grant Funding to Support Arts Organizations Negatively Impacted by the COVID-19 Pandemic**

<b>OFFICIAL FILE COPY</b>
No. <u>210165</u>
Not to be removed from the Office of the Legislature Of Monroe County
Committee Assignment
<b>URGENT</b> -L

Honorable Legislators:

Monroe County has always been a leader in the world of art and cultural. Home to a vibrant and diverse community; we have always been trailblazers in the arts community. From the renowned Eastman School of Music to the Rochester Philharmonic Orchestra to the Memorial Art Gallery and so many other large-scale art organizations, our area has fostered creativity and expression through the arts. Unfortunately, there are a number of valuable smaller arts programs that are all too frequently left to fend for themselves, not receiving the support they need and deserve.

According to the National Center for Arts Research, arts and culture provides \$93 million into the Monroe County economy annually while supporting over 1,500 full-time jobs, 2,100 part-time jobs and roughly 6,600 volunteers. The City of Rochester has appeared on the organization’s annual list of “The Top 40 Most Vibrant Arts Communities” three out of the last six years. While these findings were concurred by the Center for Governmental Research in 2019, this review also found shortcomings that have held our community back, particularly a lack of public financing for mid-sized arts.

This year’s Monroe County budget allocates just \$1.4 million for arts funding – an amount without a sufficient increase from years past. For too long our local artists and organizations have not received the adequate funding that truly corresponds to their community worth. In nearby Erie County, their 2021 Budget allocates over \$6 million for arts – funding that truly displays the areas commitment to their artists. Each year, Monroe County has continued to fail its local artists and the community that benefits so much from their work by its lack of funding and lack of funding diversity. Monroe County gives three-quarters of its arts allocation to two organizations and one-fifth of it to another seven. In particular, mid-sized arts groups receive barely 3-percent of the arts allocation and for several years, the same groups each year have split the amount.

It is time for Monroe County to commit to its vibrant and diverse art community by support mid-sized arts organizations. Further, the COVID-19 pandemic has exacerbated this lack of funding – forcing organizations and artists into fiscal ruin – and further displaying this point. Funding for the arts should match the immense value it brings to our community while ensuring diverse funding for all the artists and organizations our community has to offer, particularly mid-sized art groups.

**The specific legislative actions required is to authorize the President of the Legislature, or his designee, to execute grant agreements, contracts, or applications, and any amendments thereto, with the organizations listed below, for Monroe County to provide funding to arts organizations negatively impacted by the COVID-19 pandemic that have not previously received County funding or received insufficient**

funding through the Mid-Sized Arts Grant budget allocation, in the total amount of \$131,000, for the period of January 1, 2021 through December 31, 2021.

Organization

The Avenue Blackbox Theatre	\$20,000
Rochester Contemporary Art Center	\$10,000
Rochester Community Television	\$20,000
Borinquen Dance Theatre	\$20,000
Legacy Drama House	\$10,000
Rochester Latino Theatre	\$10,000
Blackfriars of Rochester Inc.	\$3,500
Boa Editions Limited	\$3,500
Deep Arts	\$2,500
Flower City Arts Center	\$3,500
Garth Fagan Dance	\$4,000
Landmark Society of WNY Inc.	\$4,500
Push Physical Theatre	\$3,000
Rochester City Ballet	\$5,500
Rochester Oratorio Society	\$3,000
Visual Studies Workshop Inc.	\$3,500
Writers And Books	\$4,500
Total:	<u>\$131,000</u>

This is a Type II Action pursuant to 6 NYCRR 617.5(c) (26) ("routine of continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment") and is not subject to further review under the State Environmental Quality Review Act.

Funding for these agreements are included in the 2021 operating budget of the Monroe County Legislature, Community Contingency Fund, general fund 9001, funds center 1001020000, Community Contingency Fund.

All the above organizations are not-for-profit agencies, and the records in the Office of the Monroe County Treasury indicate they do not owe and delinquent Monroe County property taxes.

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

Respectfully Submitted,



Vincent R. Felder  
Monroe County Legislature  
Democratic Minority Leader



Ernest Flagler-Mitchell  
Monroe County Legislature  
Black & Asian Caucus Leader



Frank Keophetlasy  
Monroe County Legislator  
District 28

By Legislators \_\_\_\_\_ and \_\_\_\_\_

Intro. No. \_\_\_\_\_

RESOLUTION NO. \_\_\_ OF 2021

**AUTHORIZING ALLOCATION OF EMERGENCY GRANT FUNDING TO SUPPORT ARTS ORGANIZATIONS NEGATIVELY IMPACTED BY COVID-19 PANDEMIC**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. The President of the Legislature, or his designee, is hereby authorized to execute grant agreements, contracts, or applications, and any amendments thereto, with the organizations listed below, in the total amount of \$131,000, for emergency grant funding related to the COVID-19 pandemic, for the period of January 1, 2021 through December 31, 2021.

Organization

The Avenue Blackbox Theatre	\$20,000
Rochester Contemporary Art Center	\$10,000
Rochester Community Television	\$20,000
Borinquen Dance Theatre	\$20,000
Legacy Drama House	\$10,000
Rochester Latino Theatre	\$10,000
Blackfriars of Rochester Inc.	\$3,500
Boa Editions Limited	\$3,500
Deep Arts	\$2,500
Flower City Arts Center	\$3,500
Garth Fagan Dance	\$4,000
Landmark Society of WNY Inc.	\$4,500
Push Physical Theatre	\$3,000
Rochester City Ballet	\$5,500
Rochester Oratorio Society	\$3,000
Visual Studies Workshop Inc.	\$3,500
Writers And Books	\$4,500
Total:	<u>\$131,000</u>

Section 2. Funding for these agreements, contracts, or applications is included in the 2021 operating budget of the Monroe County Legislature, general fund 9001, funds center 1001020000, Community Contingency Fund.

Section 3. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Matter of Urgency  
File No. 21- \_\_\_\_\_

ADOPTION: Date: \_\_\_\_\_

Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_

By Legislators Felder, Flagler-Mitchell and Keophetlasy

Intro. No. \_\_\_\_\_

RESOLUTION NO. \_\_\_\_ OF 2021

**AUTHORIZING ALLOCATION OF EMERGENCY GRANT FUNDING TO SUPPORT ARTS ORGANIZATIONS NEGATIVELY IMPACTED BY COVID-19 PANDEMIC**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. The President of the Legislature, or his designee, is hereby authorized to execute grant agreements, contracts, or applications, and any amendments thereto, with the organizations listed below, in the total amount of \$131,000, for emergency grant funding related to the COVID-19 pandemic, for the period of January 1, 2021 through December 31, 2021.

Organization

The Avenue Blackbox Theatre	\$20,000
Rochester Contemporary Art Center	\$10,000
Rochester Community Television	\$20,000
Borinquen Dance Theatre	\$20,000
Legacy Drama House	\$10,000
Rochester Latino Theatre	\$10,000
Blackfriars of Rochester Inc.	\$3,500
Boa Editions Limited	\$3,500
Deep Arts	\$2,500
Flower City Arts Center	\$3,500
Garth Fagan Dance	\$4,000
Landmark Society of WNY Inc.	\$4,500
Push Physical Theatre	\$3,000
Rochester City Ballet	\$5,500
Rochester Oratorio Society	\$3,000
Visual Studies Workshop Inc.	\$3,500
Writers And Books	\$4,500
Total:	<u>\$131,000</u>

Section 2. Funding for these agreements, contracts, or applications is included in the 2021 operating budget of the Monroe County Legislature, general fund 9001, funds center 1001020000, Community Contingency Fund.

Section 3. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Matter of Urgency  
File No. 21-0165

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_



**ATTACHMENTS:**

	<b>Description</b>	<b>File Name</b>	<b>Type</b>
▣	<b>Referral</b>	<b>R21-0166.pdf</b>	<b>Referral Letter</b>
▣	<b>Resolution</b>	<b>ITEM_48.pdf</b>	<b>Resolution</b>





# Monroe County Legislature

**GEORGE J. HEBERT**

LEGISLATOR – DISTRICT 15

May 10, 2021

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

<b>OFFICIAL FILE COPY</b>	
No. <u>210166</u>	
Not to be removed from the Office of the Legislature Of Monroe County	
Committee Assignment	
<b>URGENT</b>	-L

**Subject: Amending Resolution 134 of 2020 Entitled “Accepting Grant from United States Treasury for Coronavirus Aid, Relief and Economic Security Act,” for the Provision of Additional Legislative Fiscal Oversight**

Honorable Legislators:

In April of 2020, this Honorable Body accepted \$129 million in federal funding through the Coronavirus Aid, Relief and Economic Security (CARES) Act. The express purpose of this funding was to assist our residents, businesses and government agencies in fighting and recovering from the COVID-19 pandemic. Over the past year, this funding has served as a means to bolster small businesses, assist local government, and provide for a comprehensive response to the pandemic.

Late last year, as a result of difficult to access reporting, this Honorable Body voted for weekly reporting for CARES Act expenditures. While this reporting has assisted the Legislature in performing its duty of providing fiscal oversight, the County Executive has been able to make unilateral spending decisions with this funding for nearly a year. The great latitude in spending afforded to the County Executive was appropriate when this funding was accepted, however nearly a year later it is imperative that the Legislature have more involvement in approving the use of this funding.

This resolution allows for greater fiscal oversight from this Honorable Body. Legislative approval will be required for the expending of CARES Act funding in excess of \$20,000. The Legislature has been diligent in meeting quickly when it is required, therefore any appropriate and necessary use of funding is able to be approved expeditiously. It is the duty of this Honorable Body to protect taxpayers and review expenditures of the County carefully and with scrutiny; enacting this legislation will ensure that this is done.

**The specific legislative actions required is to amend resolution no. 134 of 2020, entitled “Accepting Grant from United States Treasury for Coronavirus Relief, And Economic Security Act,” to change the end date of the grant term and add fiscal oversight measures by the County Legislature as detailed in the resolution.**

108 Rosebud Trail • Webster, New York 14580  
Phone: (585) 315-2237 • Business: (585) 753-1922  
E-mail: legislatorhebert@gmail.com

This is a Type II Action pursuant to 6 NYCRR 617.5(c) (26) (“routine of continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment”) and is not subject to further review under the State Environmental Quality Review Act.

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

Respectfully Submitted,



George J. Hebert  
Monroe County Legislator  
District 15

By Legislator Hebert

Intro. No. \_\_\_\_

RESOLUTION NO. \_\_\_\_ OF 2021

**AMENDING RESOLUTION 134 OF 2020 ENTITLED "ACCEPTING GRANT FROM UNITED STATES TREASURY FOR CORONAVIRUS AID, RELIEF AND ECONOMIC SECURITY ACT," FOR PROVISION OF ADDITIONAL LEGISLATIVE FISCAL OVERSIGHT**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. Section 1 of Resolution No. 134 of 2020 shall be amended, in part, as follows:

The County Executive, or his designee, is hereby authorized to accept a \$129,433,144.90 grant from, and to execute a contract and any amendments thereto with, the United States Treasury, for the Coronavirus Aid, Relief, and Economic Security Act, for payment of expenses needed to combat the Coronavirus pandemic, for the period of March 1, 2020 through December ~~30~~ 31, ~~2020~~ 2021.

Section 2. Section 3 of Resolution No. 134 of 2020 shall be amended, in part, as follows:

The County Executive, ~~is hereby authorized to~~ with approval by resolution of the County Legislature, may appropriate any subsequent years of the grant award in accordance with the grant terms, to reappropriate any unencumbered balances during the grant period according to the grantor requirements, and to make any necessary funding modifications within the grant guidelines to meet contractual commitments.

Section 3. Section 5 of Resolution No. 134 of 2020 shall be renumbered as Section 6.

Section 4. Resolution No. 134 of 2020 shall be amended, in part, by adding a new Section 5, to read as follows:

It shall be required that the Legislature approve by resolution, the expense of any funds accepted and appropriated hereto, when used to fund any agreement or contract on behalf of the county for goods and services where the total consideration thereof is in excess of \$20,000, as prescribed in Section A5-6 (A) of the Monroe County Code.

Section 5. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Matter of Urgency  
File No. 21-\_\_\_\_\_

Added language is underlined.  
Deleted language is ~~stricken~~

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: 5/11/21

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_

By Legislators Hebert and Delehanty

Intro. No. \_\_\_\_

RESOLUTION NO. \_\_\_\_ OF 2021

**AMENDING RESOLUTION 134 OF 2020 ENTITLED "ACCEPTING GRANT FROM UNITED STATES TREASURY FOR CORONAVIRUS AID, RELIEF AND ECONOMIC SECURITY ACT," FOR PROVISION OF ADDITIONAL LEGISLATIVE FISCAL OVERSIGHT**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. Section 1 of Resolution No. 134 of 2020 shall be amended, in part, as follows:

The County Executive, or his designee, is hereby authorized to accept a \$129,433,144.90 grant from, and to execute a contract and any amendments thereto with, the United States Treasury, for the Coronavirus Aid, Relief, and Economic Security Act, for payment of expenses needed to combat the Coronavirus pandemic, for the period of March 1, 2020 through December ~~30~~ 31, 2020 2021.

Section 2. Section 3 of Resolution No. 134 of 2020 shall be amended, in part, as follows:

The County Executive, ~~is hereby authorized to~~ with approval by resolution of the County Legislature, may appropriate any subsequent years of the grant award in accordance with the grant terms, to reappropriate any unencumbered balances during the grant period according to the grantor requirements, and to make any necessary funding modifications within the grant guidelines to meet contractual commitments.

Section 3. Section 5 of Resolution No. 134 of 2020 shall be renumbered as Section 6.

Section 4. Resolution No. 134 of 2020 shall be amended, in part, by adding a new Section 5, to read as follows:

It shall be required that the Legislature approve by resolution, the expense of any funds accepted and appropriated hereto, when used to fund any agreement or contract on behalf of the county for goods and services where the total consideration thereof is in excess of \$20,000, as prescribed in Section A5-6 (A) of the Monroe County Code.

Section 5. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Matter of Urgency  
File No. 21-0166

Added language is underlined.  
Deleted language is ~~stricken~~

ADOPTION: Date: \_\_\_\_\_

Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_

VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_



**ATTACHMENTS:**

	<b>Description</b>	<b>File Name</b>	<b>Type</b>
▣	<b>Referral</b>	<b>R21-0167.pdf</b>	<b>Referral Letter</b>
▣	<b>Resolution</b>	<b>ITEM_49.pdf</b>	<b>Resolution</b>



Office of the County Executive

Monroe County, New York

Adam J. Bello
County Executive

May 10, 2021

OFFICIAL FILE COPY
No. 210167
Not to be removed from the Office of the Legislature Of Monroe County
Committee Assignment
URGENT -L

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

Subject: Authorize an Intermunicipal Agreement with the Town of Webster for an Exchange of Real Property to Fulfill and Assist with the Completion of the Town of Webster's Lake Ontario Resiliency and Economic Development Initiative (REDI) Mo.56 Lake Road Improvement Project

Honorable Legislators:

I recommend that Your Honorable Body authorize an intermunicipal agreement with the Town of Webster for an exchange of Real Property to fulfill and assist with the completion of the Town of Webster's Lake Ontario Resiliency and Economic Development Initiative (REDI) Mo.56 Lake Road Improvement Project.

The Town of Webster has submitted a Home Rule Request to New York State to alienate an approximately 16,970 square feet parcel of parkland along the northwest side of Lake Road, to be used as right of way for Lake Road. The New York State Legislature requires that Monroe County approve the acceptance of the parcel of parkland from the Town of Webster once it has been alienated and the transfer to the Town of Webster of approximately 21,141 square feet parcel along the southeast side of Lake Road that will be dedicated as parkland.

The specific legislative action required is to authorize the County Executive, or his designee, to enter into an intermunicipal agreement, and any amendments thereto, with the Town of Webster for the acceptance of an approximately 16,970 square feet parcel along the northwest side of Lake Road, to be used as right of way, in exchange for the transfer of an approximately 21,141 square feet parcel along the southeast side of Lake Road, of abandoned right of way, and any other actions needed to fulfill and assist with the completion of REDI Project Mo.56 Lake Road Improvement Project.

This action is a Type I Action under the New York State Environmental Quality Review Act ("SEQRA"). The Town of Webster conducted a coordinated review and found that the proposed action will not result in any significant adverse environmental impacts. The Town of Webster has therefore issued a Negative Declaration for this action and no further action under SEQRA is required.

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

I recommend that this matter receive favorable action by Your Honorable Body.

Sincerely,

Handwritten signature of Adam J. Bello

Adam J. Bello
Monroe County Executive

Intro. No. \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_ OF 2021

**AUTHORIZING INTERMUNICIPAL AGREEMENT WITH TOWN OF WEBSTER FOR AN EXCHANGE OF REAL PROPERTY TO FULFILL AND ASSIST WITH THE COMPLETION OF TOWN OF WEBSTER'S LAKE ONTARIO RESILIENCY AND ECONOMIC DEVELOPMENT INITIATIVE (REDI) MO.56 LAKE ROAD IMPROVEMENT PROJECT**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. The County Executive, or his designee, is hereby authorized to enter into an intermunicipal agreement, and any amendments thereto, with the Town of Webster for the acceptance of an approximately 16,970 square feet parcel along the northwest side of Lake Road, to be used as right of way, in exchange for the transfer of an approximately 21,141 square feet parcel along the southeast side of Lake Road, of abandoned right of way, and any other actions needed to fulfill and assist with the completion of Town of Webster's Lake Ontario Resiliency and Economic Development Initiative (REDI) Mo.56 Lake Road Improvement Project.

Section 2. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Matter of Urgency  
File No. 21-\_\_\_\_\_

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_

49.

By Legislators Hebert and Terp

Intro. No. \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_ OF 2021

**AUTHORIZING INTERMUNICIPAL AGREEMENT WITH TOWN OF WEBSTER FOR AN EXCHANGE OF REAL PROPERTY TO FULFILL AND ASSIST WITH THE COMPLETION OF TOWN OF WEBSTER'S LAKE ONTARIO RESILIENCY AND ECONOMIC DEVELOPMENT INITIATIVE (REDI) MO.56 LAKE ROAD IMPROVEMENT PROJECT**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. The County Executive, or his designee, is hereby authorized to enter into an intermunicipal agreement, and any amendments thereto, with the Town of Webster for the acceptance of an approximately 16,970 square feet parcel along the northwest side of Lake Road, to be used as right of way, in exchange for the transfer of an approximately 21,141 square feet parcel along the southeast side of Lake Road, of abandoned right of way, and any other actions needed to fulfill and assist with the completion of Town of Webster's Lake Ontario Resiliency and Economic Development Initiative (REDI) Mo.56 Lake Road Improvement Project.

Section 2. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Matter of Urgency  
File No. 21-0167

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_





**ATTACHMENTS:**

	<b>Description</b>	<b>File Name</b>	<b>Type</b>
▣	<b>Referral</b>	<b>R21-0168.pdf</b>	<b>Referral Letter</b>
▣	<b>Resolution</b>	<b>ITEM_50.pdf</b>	<b>Resolution</b>



# Monroe County Legislature

**GEORGE J. HEBERT**

LEGISLATOR – DISTRICT 15

May 11, 2021

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

<b>OFFICIAL FILE COPY</b>	
No. <u>210168</u>	
Not to be removed from the Office of the Legislature Of Monroe County	
Committee Assignment	
<b>URGENT</b>	-L

**Subject: Addressing Homelessness in Civic Center Parking Garage (55 S. Fitzhugh St.)**

Honorable Legislators:

Homelessness is an issue that impacts not only those without proper shelter but the entire community. The issue is not limited to one area; homelessness is a broad and wide-spread concern in many parts of New York State, including Monroe County. Every person deserves a safe place to sleep at night and every person deserves to feel safe to freely travel, park and explore Monroe County.

In addressing homelessness, it is imperative to seek the underlying causes driving this condition. According to the National Law Center on Homelessness & Poverty, insufficient income and lack of affordable housing are the leading causes of homelessness. In 2020, it marked the fourth consecutive year that homelessness had increased in the United States. This is a socio-economic and equality issue that must be addressed before another year of increased homelessness with no action.

In Monroe County, a report from the National Alliance to End Homelessness showed that on any given night in our County there are approximately 835 people without a home or safe place to sleep. We have seen the result of this first-hand within the County-owned Civic Center Parking Garage, each night, individuals without safe housing flock to the garage for its enclosed shelter and heat. However, there have been wide-spread reports of patrons and employees of the garage being harassed, threatened, stalked, reports of fires being set, objects being thrown and public urination and defecation.

This issue is not going to be addressed by yet another 'workgroup' that will produce a report several weeks or even months from now; this issue must be addressed properly and rapidly. With this being a problem in the Civic Center, it is our duty as elected officials to provide for the safety of all those in Monroe County. The root causes of homelessness have only been exacerbated by the COVID-19 pandemic and it is imperative these origins are remedied. Patrons, workers and those who utilize the Civic Center Parking Garage deserve to be safe to commute and park, while those who have sought out the Civic Center Parking Garage in desperation deserve help.

The Civic Center Parking Garage is not safe housing for anyone. From moving cars to built-up carbon monoxide fumes to an airborne pandemic; truly safe housing options must be found for those who have turned here. All relevant public and private ordinances, regulations and restrictions must be enforced to maintain safety and property rights. It is not a binary choice between upholding our safety and property laws and supporting those in need of help.

**The specific legislative actions required are:**

1. Request that County Executive Adam Bello and all applicable public authorities enforce existing laws, ordinances, rules and regulations pertaining to the Civic Center Parking Garage located at 55 S. Fitzhugh St., Rochester, NY 14614.
2. Request that County Executive Adam Bello commit to utilizing funds in a reasonable amount from the American Rescue Plan approved by the Monroe County Legislators to provide safe-housing options for all individuals displaced from the Civic Center Parking Garage.

This is a Type II Action pursuant to 6 NYCRR 617.5(c) (26) (“routine of continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment”) and is not subject to further review under the State Environmental Quality Review Act.

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

Respectfully Submitted,



George Hebert  
Monroe County Legislator  
District 15

By Legislators \_\_\_\_\_ and \_\_\_\_\_

Intro. No. \_\_\_\_\_

RESOLUTION NO. \_\_\_ OF 2021

**ADDRESSING HOMELESSNESS IN THE CIVIC CENTER PARKING GARAGE**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. The Legislature hereby requests that the County Executive and all applicable public authorities enforce existing laws, ordinances, rules and regulations pertaining to the Civic Center Parking Garage located at 55 S. Fitzhugh St., Rochester, NY 14614.

Section 2. The Legislature hereby requests that the County Executive commit to utilizing funds from the American Rescue Plan to provide safe-housing options for all individuals displaced from the Civic Center Parking Garage.

Section 3. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Matter of Urgency  
File No. 21-0\_\_\_\_\_

ADOPTION: Date: \_\_\_\_\_ Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_

50.

By Legislators Hebert and Brew

Intro. No. \_\_\_\_\_

RESOLUTION NO. \_\_\_ OF 2021

**ADDRESSING HOMELESSNESS IN THE CIVIC CENTER PARKING GARAGE**

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. The Legislature hereby requests that the County Executive and all applicable public authorities enforce existing laws, ordinances, rules and regulations pertaining to the Civic Center Parking Garage located at 55 S. Fitzhugh St., Rochester, NY 14614

Section 2. The Legislature hereby requests that the County Executive commit to utilizing funds from the American Rescue Plan to provide safe-housing options for all individuals displaced from the Civic Center Parking Garage.

Section 3. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Matter of Urgency  
File No. 21-0168

ADOPTION: Date: \_\_\_\_\_

Vote: \_\_\_\_\_

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_

VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_

