

**THIRD DAY**

**TUESDAY, February 9, 2021**

Legislature met pursuant to adjournment.

President Dr. Joe Carbone in the Chair.

**ROLL CALL**

Present – Legislators Allkofer\*, Ancello\*, Barnhart\*, Bauroth\*, Baynes\*, Boyce\*, Brew\*, Carbone, Colby\* Delehanty\*, DiFlorio\*, Dondorfer\*, Felder\*, Flagler-Mitchell\*, Hasman\*, Hebert\*, Keophetlasy\*, LaMar\*, Lee\*, Maffucci\*, Marianetti\*, Morelle, Jr.\*, Roman\*, Smith\*, Taylor\*, Terp\*, Wilcox\*, Wilt\*, Yudelson\*– 29

\* Legislator Participated in the Meeting via Teleconference in Accordance with Executive Order 202.1 and 202.92, issued by Governor Andrew M. Cuomo.

**SUSPENSION OF THE RULES**

Intro. 46  
M. 17  
29-0

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 FEBRUARY 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.

**MOMENT OF PRAYER**

The meeting formally opened. Prayer led by Pastor Marlowe Washington of Seneca United Methodist Church, at the invitation of Legislator Morelle. The Pledge of Allegiance to the Flag was led by Legislator John Baynes.

**IN MEMORIAM**

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|---|---------|---|
| 31. Brew & Felder<br>Intro. 47<br>Res. 30<br>29-0 | 21-0036 | Expressing Regret of the Monroe County Legislature on the Recent Passing of Peter C. Pecor, Former Member of the Monroe County Legislature<br>Matter of Urgency |
| 32. Brew & Felder<br>Intro. 48<br>Res. 31<br>29-0 | 21-0037 | Expressing Regret of the Monroe County Legislature on the Recent Passing of Daniel Gregory Prial, National Guard Chief Warrant Officer 2<br>Matter of Urgency   |

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| 33. Brew &<br>Felder<br>Intro. 49<br>Res. 32<br>29-0 | 21-0038 | Expressing Regret of the Monroe County Legislature on the Recent Passing of Steven Frank Skoda, National Guard Chief Warrant Officer 5<br>Matter of Urgency                |
| 34. Brew &<br>Felder<br>Intro. 50<br>Res. 33<br>29-0 | 21-0039 | Expressing Regret of the Monroe County Legislature on the Recent Passing of Christian Koch, National Guard Chief Warrant Officer 4<br>Matter of Urgency                    |
| 35. Brew &<br>Felder<br>Intro. 51<br>Res. 34<br>29-0 | 21-0040 | Expressing Regret of the Monroe County Legislature on the Recent Passing of David Shedd Miller, Stepfather of Monroe County Legislator Tracy DiFlorio<br>Matter of Urgency |

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### APPROVAL OF MINUTES

Without objection, the Journals of Day 1, January 12, 2021, and Day 2, January 26, 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 202.92. 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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### RECESS

President Carbone recessed the meeting to allow for a series of Public Hearings entitled...

*"Enacting a Local Law Requiring Pharmacies to Provide Notice of the Availability of Naxalone"*

One written email comment was read to the Legislature and the Public Hearing concluded at 6:21 P.M.

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### RECONVENING LEGISLATURE

President Carbone reconvened the recessed meeting of February 9, 2021 and proceeded under the Usual Order of Business.

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### FORMAL COMMITTEE REPORTS

*None*

## PUBLIC FORUM

An Open Forum was conducted. The comments of fifty-two pre-registered participants were read and the Open Forum concluded at 7:48 P.M.

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### CONSIDERATION OF LOCAL LAWS

1. Smith & Wilcox  
Intro. 52  
M. 18  
29-0  
20-0418.LL Proving that Local Law (Intro No. 2 of 2021), Entitled "Pharmacies to Provide Notice on the Availability of Naloxone," be Lifted from the Table
  
2. Smith & Wilcox  
Intro. 53  
M. 19  
29-0  
20-0418.LL Providing that Local Law (Intro. No. 2 of 2021), Entitled "Enacting a Local Law Requiring Pharmacies to Provide Notice on the Availability of Naloxone," Be Adopted
  
- Intro. 2  
Local Law No. TBD  
29-0  
Main Motion

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### MOTIONS, RESOLUTIONS AND NOTICES

3. Roman & Morelle  
Barnhart  
Intro. 54  
Res. 35  
29-0  
21-0006 Amending 2021 Operating Budget to Transfer Appropriations from Legislature's Community Contingency Fund to Department of Diversity, Equity and Inclusion to Fund a Language Access Position  
Committee of the Whole; January 26, 2021- CV: 28-0
  
4. Wilt & Boyce  
Intro. 55  
Res. 36  
29-0  
21-0009 Authorizing the Initiation of Process for Making Additions to Monroe County Agricultural Districts  
Committee of the Whole; January 26, 2021- CV: 28-0
  
5. Boyce & Delehanty  
Intro. 56  
Res. 37  
29-0  
21-0010 Accepting Grant from New York State Division of Homeland Security and Emergency Services for FY2020 Emergency Management Performance Grant  
Committee of the Whole; January 26, 2021- CV: 28-0
  
6. Boyce & Delehanty  
Intro. 57  
Res. 38  
29-0  
21-0011 Accepting Grant from New York State Division of Homeland Security and Emergency Services for FY2020 State Homeland Security Program  
Committee of the Whole; January 26, 2021- CV: 28-0
  
7. Boyce & Delehanty  
Intro. 58  
Res. 39  
29-0  
21-0012 Accepting Grant from United States Bureau of Alcohol, Tobacco, Firearms and Explosives for ATF-Monroe County Sheriff's Office Explosive Task Force  
Committee of the Whole; January 26, 2021- CV: 28-0

8. Boyce, Ancello & Delehanty  
Intro. 59  
Res. 40  
29-0  
21-0013 Accepting Grant from New York State Division of Criminal Justice Services for Livescan Equipment Grant Program and Authorize Intermunicipal Agreements with Eight Municipalities Monroe County  
Committee of the Whole; January 26, 2021- CV: 28-0
9. Colby & Delehanty  
Intro. 60  
Res. 41  
29-0  
21-0014 Authorizing Contract with Keeler Construction Co., Inc. for Construction Services for Calkins Road Culvert project over Red Creek Tributary in Town of Henrietta  
Committee of the Whole; January 26, 2021- CV: 28-0
10. Colby & Delehanty  
Intro. 61  
Res. 42  
29-0  
21-0015 Authorizing Contract with Villager Construction Inc. for Construction Services for Highway Preventive Maintenance #8 Project in Towns of Brighton, Gates, Henrietta, Irondequoit, Ogden, Perinton and Pittsford  
Committee of the Whole; January 26, 2021- CV: 28-0
11. Colby & Delehanty  
Intro. 62  
Res. 43  
29-0  
21-0016 Authorizing Contract with C.P. Ward, Inc. for Construction Services for Lake Road West Fork Bridge Project over Sandy Creek in the Town of Hamlin  
Committee of the Whole; January 26, 2021- CV: 28-0
12. Colby & Delehanty  
Intro. 63  
Res. 44  
29-0  
21-0017 Authorizing Contract with Keeler Construction Co., Inc. for Construction Services for Lake Road II Project in the Town of Webster  
Committee of the Whole; January 26, 2021- CV: 28-0
13. Colby & Delehanty  
Intro. 64  
Res. 45  
29-0  
21-0017.br Resolution Authorizing the Issuance of \$10,500,000 Bonds of the County of Monroe, New York, to Finance the Cost of Rehabilitation and Improvement of Lake Road, Phase II, from Bay Road to Pellett Road, in and for Said County, at an Estimated Maximum Cost of \$10,500,000 and Superseding the Bond Resolution Adopted on December 15, 2020 (Resolution No. 397 of 2020)  
Committee of the Whole; January 26, 2021- CV: 28-0
14. Colby & Delehanty  
Intro. 65  
Res. 46  
29-0  
21-0018 Authorizing Contract with Accent Stripe, Inc. for Construction Services for Monroe County Pedestrian Safety Action Plan Project  
Committee of the Whole; January 26, 2021- CV: 28-0
15. Smith & Delehanty  
Intro. 66  
21-0019 Amending Resolution 151 of 2012, as Amended by Resolution 52 of 2020, to Accept Additional Funding from the New York State Department of Health and Extend Time Period for the Beach Act Program  
Committee of the Whole; January 26, 2021- CV: 28-0  
*For Introductory Purposes Only*
16. Smith & Delehanty  
Intro. 67  
M. 20  
29-0  
21-0019 Providing that Resolution (Intro No. 66 of 2021), Entitled “Amend Resolution 151 of 2012, as Amended by Resolution 52 of 2020, to Accept Additional Funding from the New York State Department of Health and Extend Time Period for the Beach Act Program,” Be Amended

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| 17. Smith &<br>Delehanty<br>Intro. 68<br>M. 21<br>29-0<br><br>Intro. 66<br>Reso. 47<br>29-0 | 21-0019    | Providing that Resolution (Intro No. 66 of 2021), Entitled “Amend Resolution 151 of 2012, as Amended by Resolution 52 of 2020, to Accept Additional Funding from the New York State Department of Health and Extend Time Period for the Beach Act Program,” Be Adopted as Amended<br><br>Main Motion   |
| 18. Smith &<br>Delehanty<br>Intro. 69<br>Res. 48<br>29-0                                    | 21-0020    | Amending Resolution 314 of 2017, as Amended by Resolution 244 of 2020, to Accept Additional Funding from New York State Department of Health and Extend Time Period for Nutrition Programs<br>Committee of the Whole; January 26, 2021- CV: 28-0   |
| 19. Smith &<br>Delehanty<br>Intro. 70<br>Res. 49<br>29-0                                    | 21-0021    | Accepting Grant from New York State Department of Health for Local Health Department Support for Flu and COVID-19 Response Program and Amending Resolution 128 of 2019, as Amended by Resolution 290 of 2020, to Amend the Authorized Term of a Contract with Reliant Staffing Systems, Inc., D.B.A. Career Start to Provide Nursing and Health Care Provider Services for Monroe County Department of Public Health<br>Committee of the Whole; January 26, 2021- CV: 28-0 |
| 20. Smith &<br>Delehanty<br>Intro. 71<br>Res. 50<br>29-0                                    | 21-0022    | Amending Resolution 380 of 2018, as Amended by Resolution 214 of 2019, to Amend and Increase Contract with Reliant Staffing Systems, Inc., D.B.A. Career Start to Include Provision of Registered Nurses to Supervise and Manage Nursing or Support Staff in Monroe County Department of Public Health COVID-19 Response Units<br>Committee of the Whole; January 26, 2021- CV: 28-0   |
| 21. Smith &<br>Delehanty<br>Intro. 72<br>Res. 51<br>29-0                                    | 21-0023    | Accepting Grant from New York State Office for the Aging and Authorizing Contract with Lifespan of Greater Rochester, Inc. for New York State Elder Abuse Education and Outreach Program<br>Committee of the Whole; January 26, 2021- CV: 28-0   |
| 22. Dondorfer &<br>Wilt<br>Intro. 73<br>Res. 52<br>29-0                                     | 21-0030    | Classification of Action and Determination of Significance Pursuant to State Environmental Quality Review Act for Construction of Snow Removal Equipment (SRE) Building on Vacant Lands Currently Owned by Monroe County<br>Committee of the Whole; January 26, 2021- CV: 28-0   |
| 23. Dondorfer &<br>Wilt<br>Intro. 74<br>Res. 53<br>29-0                                     | 21-0024    | Amending 2021-2026 Capital Improvement Program to Advance Airport Snow Removal Equipment (SRE) Building Project at the Greatest Rochester International Airport from 2026, 2024, and 2023 to 2021; and Authorizing Contract with Passero Associates, Engineering, Architecture & Surveying, D.P.C. for Design Services for the Project<br>Committee of the Whole; January 26, 2021- CV: 28-0   |
| 24. Dondorfer &<br>Delehanty<br>Intro. 75<br>Res. 54<br>29-0                                | 21-0024.br | Resolution Authorizing the Issuance of \$6,200,000 Bonds of the County of Monroe, New York, to Finance the Cost of the Airport Snow Removal Equipment (SRE) Building in and for Said County, at an Estimated Maximum Cost of \$6,200,000<br>Committee of the Whole; January 26, 2021- CV: 28-0   |

25. Colby & Ancello Boyce Intro. 76 Res. 55 29-0 21-0025 Confirming Appointment of Director of Transportation Committee of the Whole; January 26, 2021- CV: 28-0
26. Delehanty & Hebert Flagler-Mitchell Intro. 77 Res. 56 29-0 21-0026 Confirming Appointment of Director of Office of Public Integrity Committee of the Whole; January 26, 2021- CV: 28-0
27. Delehanty & Hebert Intro. 78 Res. 57 29-0 21-0027 Authorizing Interfund Transfer from General Fund to Road Fund to Offset 2020 Operating Expenses Committee of the Whole; January 26, 2021- CV: 28-0
28. Dondorfer & Wilt Intro. 79 Res. 58 29-0 21-0028 Authorizing Monroe County to Submit Funding Applications to Federal, State, and/or Not-for-Profit Funding Assistance Programs Committee of the Whole; January 26, 2021- CV: 28-0
29. Smith & Delehanty Intro. 80 Res. 59 29-0 21-0031 Amending Resolution 111 of 2016 as Amended by Resolution 315 of 2020 to Amend and Increase Contract with URMC Labs, a Division of University of Rochester, for Laboratory Services at Monroe Community Hospital Committee of the Whole; January 26, 2021- CV: 28-0  
*(Legislator Hasman declared her interest prior to the vote.)*

*Matters of Urgency*

30. Brew & Boyce Intro. 81 M. 22 10-19F Intro. 83 M. 23 21-0035 Calling Legislative Hearing on Deficiencies in Utilization and Deployment of Monroe County Forensic Intervention Team Matter of Urgency  
Barnhart/Baynes *(Motion to Table)*  
PROVIDING THAT INTRO. NO. 81 OF 2021 BE TABLED  
Be It Moved, that Intro. No. 81 of 2021 be, and hereby is, tabled.  
*(Legislators Barnhart, Bauroth, Baynes, Hasman, LaMar, Maffucci, Morelle, Jr., Roman, Wilcox and Yudelson Voted in the Positive.)*  
Barnhart/Maffucci *(Motion to Amend)*  
PROVIDING THAT INTRO. NO. 81 OF 2021 BE AMENED  
Be It Moved, that Intro. No. 81 of 2021 be amended as follows:

~~CALLING LEGISLATIVE HEARING ON DEFICIENCIES IN UTILIZATION AND DEPLOYMENT OF MONROE COUNTY FORENSIC INTERVENTION TEAM~~ CALLING PUBLIC MEETING ON THE RECOMMENDATIONS OF THE COUNTY'S MENTAL HEALTH AND SUBSTANCE ABUSE REDESIGN TASK FORCE

Section 1. That there shall be a ~~legislative hearing~~ public meeting at 5:35 P.M. on the 23rd day of February, 2021, in the Legislative Chambers in the County Office Building, Rochester, New York 14614, on the ~~deficiencies in utilization and deployment of Monroe County's Forensic Intervention Team~~ recommendations of the County's Mental Health and Substance Abuse Redesign Task Force for improving the delivery of mental health services in the County, with remote participation permitted.

Section 2. The President of the Legislature is hereby authorized to solicit testimony and request the attendance of relevant stakeholders and subject matter experts for said ~~legislative hearing~~ public meeting.

Section 3. The Clerk of the Legislature is directed to give notice of the time and place of this ~~legislative hearing~~ public meeting to all Monroe County Legislators, invited participants, and news media within the County, and that said notice to be published once in an official newspaper of general circulation within the County at least five days before said hearing.

Section 4. This resolution shall take effect immediately.

Added Language is underlined  
Deleted Language is ~~stricken~~

9-20F

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

President Carbone upheld Legislator Dondorfer's **POINT OF ORDER**. Legislator Baynes APPEALED **THE RULING OF THE CHAIR**. A vote was taken and the Ruling of the Chair was **SUSTAINED** by the following vote:

Ayes – Legislators Brew, Felder, Allkofer, Ancello, Boyce, Colby, Delehanty, DiFlorio, Dondorfer, Flagler-Mitchell, Hebert, Keophetlasy, LaMar, Lee, Marianetti, Smith, Taylor, Terp, Wilt, and President Carbone – 20

Nays - Legislators Barnhart, Bauroth, Baynes, Hasman, Maffucci, Morelle, Roman, Wilcox, and Yudelson – 9

Into. 81  
Res. 60  
22-7

Main Motion

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

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### UNFINISHED BUSINESS

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Upon Motion by Legislator Brew, the Legislature Adjourned at 10:43 P.M. until **Tuesday, March 9, 2021 at 6:00 P.M.**

**Jack Moffitt**  
Clerk of the Legislature