FIFTHTEENTH DAY

TUESDAY, July 13, 2021

Legislature met pursuant to adjournment.

President Dr. Joe Carbone in the Chair.

ROLL CALL

Present – Legislators Allkofer, Ancello, Barnhart, Baynes, Boyce, Brew, Carbone, Colby, Delehanty, DiFlorio, Dondorfer, Felder, Hasman, Hebert, Keophetlasy, Lee, Maffucci, Marianetti, Roman, Smith, Taylor, Wilt, Yudelson – 23

Absent – Legislators Bauroth, Flager-Mitchell, LaMar, Morelle Jr., Terp and Wilcox – 6

MOMENT OF PRAYER

The meeting formally opened. Prayer led by Pastor Dan Brockway of Brockport First Baptist Church, at the invitation of the Legislator Jackie Smith. The Pledge of Allegiance to the Flag was led by Legislator Fred Ancello.

APPROVAL OF MINUTES

Without objection, the Journals of Day 13 of 2021, June 8, 2021, and Day 14 of 2021, Special Meeting, July 1, 2021 were approved as submitted.

PETITIONS AND COMMUNICATIONS

From the County Executive - ADAM J. BELLO

Veto of Local Law (Intro. No. 135 of 2021), Entitled "Business Closure Transparency Act" Read and Print. (File No. 21-0248)

June 9, 2021

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

Dear Mr. Moffitt:

This is in response to your letter of May 14, 2021, in which you presented, among other matters, a Local Law entitled "Business Closure Transparency Act" (Intro. No. 135 of 2021), which was certified by you to have been adopted by the Monroe County Legislature at its meeting on May 11, 2021. Pursuant to Municipal Home Rule Law § 21 and § C2-7(A)(3)(c) of the Monroe County Charter, with this letter I am providing notice to the Legislature that I have disapproved this Local Law and am returning it to you with my objections.

This local law is an overregulation of Monroe County businesses and inserts an unnecessary step into a process that is already transparent, subject to public oversight, and consistent with the rules and regulations promulgated to protect the public. Instances in which Monroe County is compelled to close a business are governed by Chapter 569 of the Monroe County Code and the Monroe County Board of Health Public Health Administrative Hearing Procedure, which was promulgated by the Monroe County Legislature under Resolution 126 of 1996. Pursuant to the Monroe County Code, business permits may only be suspended or revoked by the Director of Health or the Board of Health after due notice and a hearing. Due notice includes sending businesses that are alleged to be in violation of the Monroe County Sanitary Code, the New York State Sanitary Code, the New York State Public Health Law, and/or pertinent provisions of the administrative rules and regulations of the Board of Health (generally, "Public Health Laws") a short and plain statement of facts surrounding the alleged violation(s), including the dates on which such facts were observed and specific references to the Public Health Laws alleged to have been violated.

Hearings are expeditious administrative proceedings to correct and impose penalties for violations of Public Health Laws. Hearings are open to the public, and each party has the right to be represented by counsel. Businesses have the right to appeal the decision of a hearing officer to the Monroe County Board of Health, the members of which are approved by the Monroe County Legislature and includes a member of that Honorable Body. If the issue the Legislature is seeking to address is that it is not receiving records or other sufficient information regarding the Board of Health's work from the member of the County Legislature appointed to the Board, this issue should be addressed with the Legislature's representative. Alternatively, my office would be happy to obtain any additional information you request. However, requiring the Director of Health and/or Monroe County Board of Health to submit a report to the Monroe County Legislature, which has no authority to review the decisions of the hearing officer or the Monroe County Board of Health, is inefficient, unnecessary, and does not provide any additional insight for businesses as to why a business permit was suspended or revoked.

Last, at the Legislature's public hearing on this matter, I note that several business owners expressed concern about New York State's restrictions that required many businesses to cease or restrict their operations during the pandemic. This Local Law does nothing to address those concerns because the various restrictions on business operations during the pandemic were imposed by New York State and not Monroe County. If the intent of this Local Law is to obtain information regarding these closures, this Local Law does not achieve this goal.

For the reasons stated above, I have disapproved the Local Law entitled "Business Closure Transparency Act" (Intro. No. 135 of 2021).

Sincerely, Adam J. Bello Monroe County Executive

PROCLAMATIONS

By the President of the Legislature - Dr. Joe Carbone

Recognized jointly with President Dr. Joe Carbone, Legislator Paul Dondorfer and Legislator Robert Colby, Andy DeMarco, Mary Barnes, and Brandon Mandurano for their exemplary service in the Rochester Police Department.

Recognized jointly with President Dr. Joe Carbone, Legislator Sabrina LaMar, Legislator Calvin Lee, Jr. Legislator Ernest Flager-Mitchell and Minority Leader Vincent R. Felder, Larry Morales, Sr. for his exemplary service and mentorship in the community.

RECESS

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

"Enacting a Local Law Entitled Junior Deer Hunter Pilot Program"

No speakers addressed the Legislature and the Public Hearing concluded at 6:15 P.M.

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

No speakers addressed the Legislature and the Public Hearing concluded at 6:16 P.M.

"Adopting 2022-2027 Capital Improvement Program"

No speakers addressed the Legislature and the Public Hearing concluded at 6:17 P.M.

RECONVENING LEGISLATURE

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

FORMAL COMMITTEE REPORTS

None

PUBLIC FORUM

An Open Forum was conducted. There were three speakers and the Open Forum concluded at 6:36 P.M.

CONSIDERATION OF LOCAL LAWS

1.	Brew & Allkofer, Hebert Intro. 304 M. 80 23-0	21-0170.LL Providing that Local Law (Intro. No. 256 of 2021), Entitled "Junior Deer Hunter Pilot Program," Be Lifted from the Table
2.	Brew & Allkofer, Hebert Intro. 305 M. 81 27-0	21-0170.LL Providing that Local Law (Intro. No. 256 of 2021), Entitled "Junior Deer Hunter Pilot Program," Be Adopted
	Intro. 256	Local Law

Local Law TBA 23-0

MOTIONS, RESOLUTIONS AND NOTICES

			
3.	Dondorfer & Delehanty Intro. 306 M. 82 23-0	21-0181	Providing that Resolution (Intro. No. 271 of 2021), Entitled "Approving 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," be Lifted from the Table
4.	Dondorfer & Delehanty Intro. 307 M. 83 23-0	21-0181	Providing that Resolution (Intro. No. 271 of 2021), Entitled "Approving 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," be Adopted
	Intro. 271 Res. 215 23-0		Main Motion
5.	Dondorfer & Delehanty Intro. 308 Res. 216 23-0	21-0181.br	Resolution Authorizing the Issuance of \$21,000,000 Bonds of the County of Monroe, New York, to Finance the Cost of the Frank E. Van Lare Wastewater Treatment Plant Electrical System Improvements, in and for said County, at an Estimated Maximum Cost of \$21,000,000 and Superseding the Bond Resolution Adopted on December 15, 2020 (Resolution No. 280 of 2019)
6.	Boyce, Wilt, Allkofer, Ancello, Colby, Smith, Delehanty Intro. 309 M. 84 23-0	21-0184	Providing that Resolution (Intro. No. 275 of 2021), entitled "Adopting 2022-2027 Capital Improvement Program," be Lifted from the Table
7.	Dondorfer & Boyce, Wilt, Allkofer, Ancello, Colby, Smith, Delehanty Intro. 310 M. 85 23-0	21-0184	Providing that Resolution (Intro. No. 275 of 2021), entitled "Adopting 2022-2027 Capital Improvement Program," be Adopted

Intro. 275 Res. 217 23-0		Main Motion
8. Allkofer & Boyce Intro. 311 Res. 218 23-0	21-0218	Confirming Reappointment to Board of Trustees of Monroe County Library System
9. Dondorfer & Wilt Intro. 312 Res. 219 23-0	21-0219	Authorizing Increase to Per-Diem Rate for Monroe County Soil and Water Conservation District Board of Directors Committee of the Whole; July 1, 2021- CV: 23-0
10. Boyce & Delehanty Intro. 313 Res. 220 23-0	21-0222	Authorizing Contract with DataWorks Plus, LLC for Fingerprint and Mugshot Capture and Data Exchange Software System and Installation Services for Law Enforcement Committee of the Whole; July 1, 2021- CV: 23-0
11. Boyce & Delehanty Intro. 314 Res. 221 23-0	21-0223	Accepting Grant from New York State Division of Homeland Security and Emergency Services for FY2019 Technical Rescue & Urban Search and Rescue Grant Program Committee of the Whole; July 1, 2021- CV: 23-0
12. Boyce & Ancello, Delehanty Intro. 315 Res. 222 23-0	21-0224	Accepting Grant from New York State Division of Criminal Justice Services for Raise the Age Legislation and Authorizing Intermunicipal Agreement with Rochester City School District Committee of the Whole; July 1, 2021- CV: 23-0
13. Boyce & Delehanty Intro. 316 Res. 223 23-0	21-0225	Amending 2021-2026 Capital Improvement Program and 2021 Capital Budget to Add Project Entitled "Public Safety Voice and Digital Paging Systems Refresh" and Authorizing Interfund Transfer Committee of the Whole; July 1, 2021- CV: 23-0
14. Boyce & Delehanty Intro. 317 Res. 224 23-0	21-0226	Amending Resolution 405 of 2017, as Amended by Resolution 88 of 2020, Resolution 254 of 2020, and Resolution 409 of 2020 to Increase Contract with PrimeCare Medical of New York, Inc. Committee of the Whole; July 1, 2021- CV: 23-0
15. Boyce & Delehanty Intro. 318 Res. 225 23-0	21-0227	Accepting Grant from New York State Division of Homeland Security and Emergency Services for FY2019 Explosive Detection Canine Team Grant Program (Enhancement) Committee of the Whole; July 1, 2021- CV: 23-0

16.	Boyce & Delehanty Intro. 319 Res. 226 23-0	21-0228	Accepting Grant from New York State Division of Homeland Security and Emergency Services for FY2019 Tactical Team Grant Program Committee of the Whole; July 1, 2021- CV: 23-0
17.	Boyce & Delehanty Intro. 320 Res. 227 23-0	21-0229	Accepting Grant from New York State Division of Homeland Security and Emergency Services for FY2019 Bomb Squad Initiative Grant Program/Homeland Security's State Homeland Security Program (Office of the Sheriff) Committee of the Whole; July 1, 2021- CV: 23-0
18.	Boyce & Delehanty Intro. 321 Res. 228 23-0	21-0230	Accepting Grant from New York State Division of Criminal Justice Services for District Attorney's Office, the Office of the Sheriff, and Department of Public Safety, Office of Probation and Community Corrections, for Gun Involved Violence Elimination Partnership Committee of the Whole; July 1, 2021- CV: 23-0
19.	Boyce & Delehanty Intro. 322 Res. 229 23-0	21-0231	Accepting Aid to Localities Grant from New York State Division of Criminal Justice Services for Offices of District Attorney and Public Defender Homeland Security Program (Office of the Sheriff) Committee of the Whole; July 1, 2021- CV: 23-0
20.	Wilt & Delehanty Intro. 323 Res. 230 23-0	21-0232	Accepting Grant from Monroe County Industrial Development Corporation Committee of the Whole; July 1, 2021- CV: 23-0
21.	Dondorfer & Wilt Intro. 324 Res. 231 27-0	21-0233	Classification of Action and Determination of Significance Pursuant to State Environmental Quality Review Act for Additions to Western Monroe County Agricultural District #5 Committee of the Whole; July 1, 2021- CV: 23-0
22.	Wilt & Boyce Intro. 325	21-0234	Authorizing Additions to Western Monroe County Agricultural District #5 For Introductory Purposes Only Committee of the Whole; July 1, 2021- CV: 23-0
23.	Wilt & Boyce Intro. 326 M. 86 23-0	21-0234	Providing that Resolution (Intro. No. 325 of 2021), Entitled "Authorizing Additions to Western Monroe County Agricultural District #5," be Tabled
24.	Wilt & Boyce Intro. 327 Res. 232 23-0	21-0234	Fixing a Public Hearing by the Planning and Economic Development Committee of the Monroe County Legislature on Resolution (Intro. No. 325 of 2021), Entitled "Authorizing Additions to Western Monroe County Agricultural District #5"

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25. Wilt & Delehanty Intro. 328 Res. 233 23-0	21-0235	Accepting Donation of Services from Genesee Transportation Council for Countywide Active Transportation Plan Committee of the Whole; July 1, 2021- CV: 23-0
26. Smith & Delehanty Intro. 329 Res. 234 23-0	21-0236	Accepting Grant from Health Research, Inc. for Public Health Emergency Preparedness Program Committee of the Whole; July 1, 2021- CV: 23-0
27. Smith & Delehanty Intro. 330 Res. 235 23-0	21-0237	Amending Resolution 380 of 2018, as Amended by Resolution 214 of 2019 and Resolution 50 of 2021, to Amend and Increase Contract with Reliant Staffing Systems, Inc., D.B.A. Career Start in Monroe County Department of Public Health Committee of the Whole; July 1, 2021- CV: 23-0
28. Smith & Delehanty Intro. 331 Res. 236 23-0	21-0238	Authorizing Contract with National Medical Services, Inc. D.B.A. NMS Labs to Provide Toxicology Laboratory Services for Monroe County Office of Medical Examiner Committee of the Whole; July 1, 2021- CV: 23-0
29. Smith & Delehanty Intro. 332 Res. 237 23-0	21-0239	Accepting Grant from New York State Office for the Aging for the Consolidated Appropriations Act Grant and Additional 2021 Title III Grant Funding and Amending Resolution 418 of 2020, as Amended by Resolution 123 of 2021, for Authorization to Contract for Monroe County Office for the Aging Programs in 2021-2022 Committee of the Whole; July 1, 2021- CV: 23-0
30. Dondorfer & Wilt Intro. 333 Res. 238 23-0	21-0240	Classification of Action and Determination of Significance Pursuant to State Environmental Quality Review Act for Sale of County Owned Property Located on Lake Road in Town of Webster Committee of the Whole; July 1, 2021- CV: 23-0
31. Delehanty & Hebert Intro. 334 Res. 239 23-0	21-0241	Authorizing Sale of County Owned Property Located on Lake Road in Town of Webster Committee of the Whole; July 1, 2021- CV: 23-0
32. Dondorfer & Wilt Intro. 335 Res. 240 23-0	21-0242	Classification of Action and Determination of Significance Pursuant to State Environmental Quality Review Act for Abandonment and Sale of County Owned Surplus Property known as Right of Way at Intersection of Brooks Avenue Extension and Beahan Road, Adjacent to Property Having an Address of 2061 Chili Avenue Located in Town of Gates Committee of the Whole; July 1, 2021- CV: 23-0
33. Delehanty & Hebert Intro. 336 Res. 241	21-0243	Authorizing Abandonment and Sale of Portion of Brooks Avenue Extension and Beahan Road Right of Way in Town of Gates Committee of the Whole; July 1, 2021- CV: 23-0

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34. Delehanty & Hebert Intro. 337 Res. 242 23-0	21-0244	Authorizing Contact with The EF&P Group, LLC d/b/a Stonebridge Business Partners to Perform Professional Auditing Services Specific to Fast Forward Monroe Contracts Between Monroe County and Local Businesses Committee of the Whole; July 1, 2021- CV: 23-0
35. Dondorfer & Delehanty Intro. 338 Res. 243 23-0	21-0245	Amending 2021-2026 Capital Improvement Program to Add a Project Entitled "Monroe County Facilities LED Lighting Replacement," and Authorizing an Energy Performance Contract with Centrica Business Solutions Services, Inc. for Lighting Efficiency Upgrades for County Buildings Committee of the Whole; July 1, 2021- CV: 23-0
36. Dondorfer & Delehanty Intro. 339 Res. 244 23-0	21-0245.br	Resolution Authorizing the Issuance of \$3,500,000 Bonds of the County of Monroe, New York, to Finance the Cost of Monroe County Facilities LED Lighting Replacement in and for said County, at an Estimated Maximum Cost of \$3,500,000 Committee of the Whole; July 1, 2021- CV: 23-0
37. Dondorfer & Delehanty Intro. 340 Res. 245 23-0	21-0246	Amending Resolution 133 of 2016 Amending and Increasing Contract with Finger Lakes Performing Provider System, Inc. for Delivery System Reform Incentive Payment Program Projects, Amending the 2021-2026 Capital Improvement Program and the 2021 Capital Budget to Add Projects Entitled "Resident Courtyard" and "Friendship Place" at Monroe Community Hospital, and Authorizing Appropriation of Revenue Committee of the Whole; July 1, 2021- CV: 23-0
38. Dondorfer & Delehanty Intro. 341	21-0247	Amending the 2021-2026 Capital Improvement Program and the 2021 Capital Budget to Add a Project Entitled "Space Utilization and Renovation of CityPlace Project," Authorizing Interfund Transfer, and Authorizing Contract with LaBella Associate D.P.C. for Professional Design Services for Space Utilization and Renovation of CityPlace Project Committee of the Whole; July 1, 2021- CV: 23-0
Intro. 342 M. 87		Hebert & DiFlorio (Motion to Amend) PROVIDING THAT RESOLUTION (INTRO NO. 341 OF 2021), ENTITLED

"AMENDING THAT RESOLUTION (INTRO NO. 341 OF 2021), ENTITLED "AMENDING THE 2021-2026 CAPITAL IMPROVEMENT PROGRAM AND THE 2021 CAPITAL BUDGET TO ADD A PROJECT ENTITLED "SPACE UTILIZATION AND RENOVATION OF CITYPLACE PROJECT," AUTHORIZING INTERFUND TRANSFER, AND AUTHORIZING CONTRACT WITH LABELLA ASSOCIATES, D.P.C. FOR PROFESSIONAL DESIGN SERVICES FOR SPACE UTILIZATION AND RENOVATION OF CITYPLACE PROJECT," BE AMENDED

BE IT MOVED, that Resolution (Intro. No. 341 of 2021), entitled "AMENDING THE 2021-2026 CAPITAL IMPROVEMENT PROGRAM AND THE 2021 CAPITAL BUDGET TO ADD A PROJECT ENTITLED "SPACE UTILIZATION AND RENOVATION OF CITYPLACE PROJECT," AUTHORIZING INTERFUND TRANSFER, AND AUTHORIZING CONTRACT WITH LABELLA ASSOCIATES, D.P.C. FOR PROFESSIONAL DESIGN SERVICES FOR SPACE UTILIZATION AND RENOVATION OF CITYPLACE PROJECT," be amended as follows:

Section 1. The 2021-2026 Capital Improvement Program is hereby amended to add a project entitled "Space Utilization and Renovation of CityPlace Project" in the amount of \$9,000,000 \$370,400.

Section 2. The 2021 Capital Budget is hereby amended to add a project entitled "Space Utilization and Renovation of CityPlace Project" in the amount of \$9,000,000 \$370,400.

Section 3. The Controller is hereby authorized to transfer \$9,000,000 \$370,400 from general fund 9001 to the capital fund to be established for the "Space Utilization and Renovation of CityPlace Project."

Added language by this motion is <u>underlined</u> Deleted language by this motion is stricken

14-9 Failed

(Legislators Brew, Allkofer, Ancello, Boyce, Colby, Delehanty, DiFlorio, Dondorfer, Hebert, Marianetti, Smith, Taylor, Wilt and Carbone Voted in the Positive.)

RECESS

A recess was declared by President Carbone.

RECONVENING LEGISLATURE

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

Felder & Brew Intro. 343 M. 88		Motion to Reconsider the Amendment (Intro. No. 342 of 2021)
17-6		(Legislators Barnhart, Baynes, Hasman, Maffucci, Roman, and Yudelson Voted in the Negative.)
Intro. 342 M. 87		Motion to Amend
17-6		(Legislators Barnhart, Baynes, Hasman, Maffucci, Roman, and Yudelson Voted in the Negative.)
Intro. 341 Res. 246		Main Motion as Amended by Motion No. 87 of 2021
17-6		(Legislators Barnhart, Baynes, Hasman, Maffucci, Roman, and Yudelson Voted in the Negative.)
39. Smith & Delehanty Intro. 344 Res. 247 23-0	21-0249	Accepting Grant from New York State Office of Mental Health for the PFC Dwyer Veteran Peer-to-Peer Support Program, Authorizing Contract with Compeer, Inc., and Authorizing an Appropriation Transfer Committee of the Whole; July 1, 2021- CV: 23-0
40. Allkofer & Delehanty Intro. 345 Res. 248 23-0	21-0250	Amending Resolution 289 of 2010, as Amended by Resolution 437 of 2014, Resolution 270 of 2015, Resolution 335 of 2016, Resolution 462 of 2017, Resolution 103 of 2019, Resolution 405 of 2019, and Resolution 310 of 2020 to Extend the License and Operating Agreement with Seneca Park Zoo Society, Inc. Committee of the Whole; July 1, 2021- CV: 23-0

41. Dondorfer & Delehanty Intro. 346 Res. 249 23-0	21-0251	Authorizing Contract with McFarland Johnson, Inc., for Grant Application Services for Frederick Douglass-Greater Rochester International Airport Pursuant to New York State Sponsored Upstate Airport Economic Development and Revitalization Competition Committee of the Whole; July 1, 2021- CV: 23-0
Matters of Urgency		
42. Smith & Delehanty, Lee Intro. 347 Res. 250 23-0	21-0254	Accepting Funding from New York State Office of Children and Family Services for 2021 Safe Summer Youth Engagement Program Matter of Urgency
43. Allkofer & Delehanty, Intro. 348	21-0255	Approving Monroe Community College's 2021-2022 Operating Budget For Introductory Purposes Matter of Urgency
44. Allkofer & Delehanty, Intro. 349 M. 89 23-0	21-0255	Providing that Resolution (Intro. No. 348 of 2021) Entitled "Approving Monroe Community College's 2021-2022 Operating Budget," be Tabled Matter of Urgency
45. Allkofer & Delehanty, Intro. 350 Res. 251 23-0	21-0255	Fixing Public Hearing on Resolution (Intro. No. 348 of 2021) Entitled "Approving Monroe Community College's 2021-2022 Operating Budget" Matter of Urgency
46. Brew & Delehanty, Intro. 351 Res. 252 23-0	21-0256	Confirming Appointment to Internal Audit Committee Matter of Urgency
47. Intro. 37 Election No. 2	21-0257	Election for Position of Clerk of the Legislature
Election Ivo. 2		Mrs. DiFlorio nominated David Michael Barry, Jr., to serve as Clerk of the Monroe County Legislature. Mr. Wilt seconded the nomination.
		Ms. Roman. nominated Theresa Bertolone, to serve as Clerk of the Monroe County Legislature. Mr. Baynes and Mr. Maffucci seconded the nomination.
		Upon calling the roll, Mr. David Michael Barry, Jr. was elected to serve as Clerk of the Monroe County Legislature by the following vote:

- 17

Bertolone — Legislators Barnhart, Baynes, Hasman, Maffucci, Roman, Yudelson — 6

Barry — Legislators Brew, Allkofer, Ancello, Boyce, Colby, Delehanty, DiFlorio, Dondorfer, Felder, Hebert, Keophetlasy, Lee, Marianetti, Smith, Taylor, Wilt, Carbone

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48. Felder & Keophetlasy Intro. 353 Res. 253 23-0 21-0286

Amending Resolution No. 169 of 2021 Entitled "Authorizing Allocation of Emergency Grant Funding to Support Arts Organizations Negatively Impacted by COVID-19 Pandemic

UNFINISHED BUSINESS

Upon Motion by Legislator Brew, the Legislature Adjourned at 7:58 P.M. until Tuesday, August 10, 2021 at 6:00 P.M.

David Michael Barry, Jr. Clerk of the Legislature