FIFTHTEENTH DAY

TUESDAY, July 13, 2021

Legislature met pursuant to adjournment.
President Dr. Joe Carbone in the Chair.

ROLL CALL


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)(e) 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.I.I. 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


   Intro. 256 Local Law
MOTIONS, RESOLUTIONS AND NOTICES

3. Dondorfer & Delehanty
   Intro. 306
   M. 82
   23-0
   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
   Intro. 271
   Res. 215
   23-0
   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

5. Dondorfer & Delehanty
   Intro. 308
   Res. 216
   23-0
   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. Dondorfer & Boyce, Wilt, Allkofer, Ancello, Colby, Smith, Delehanty
   Intro. 309
   M. 84
   23-0
   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
   Providing that Resolution (Intro. No. 275 of 2021), entitled "Adopting 2022-2027 Capital Improvement Program," be Adopted
<table>
<thead>
<tr>
<th>Intro.</th>
<th>Res.</th>
<th>Main Motion</th>
</tr>
</thead>
<tbody>
<tr>
<td>275</td>
<td>217</td>
<td>23-0</td>
</tr>
</tbody>
</table>

| 8. | 21-0218 | Confirming Reappointment to Board of Trustees of Monroe County Library System |
| Intro. | 311 Res. | 218 23-0 |

| 9. | 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 |
| Dondorfer & Wilt Intro. | 312 Res. | 219 23-0 |

| 10. | 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 |
| Boyce & Delehanty Intro. | 313 Res. | 220 23-0 |

| 11. | 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 |
| Boyce & Delehanty Intro. | 314 Res. | 221 23-0 |

| 12. | 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 |
| Boyce & Ancello, Delehanty Intro. | 315 Res. | 222 23-0 |

| 13. | 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 |
| Boyce & Delehanty Intro. | 316 Res. | 223 23-0 |

| Boyce & Delehanty Intro. | 317 Res. | 224 23-0 |

| 15. | 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 |
| Boyce & Delehanty Intro. | 318 Res. | 225 23-0 |
16. Boyce & Delehanty
Intro. 319
Res. 226
23-0
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
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
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
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
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
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
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
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”
25. Wilt & Delehanty
Intro. 328
Res. 233
23-0

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

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

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

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

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

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

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

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

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
34. Delehanty & Hebert 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 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 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 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 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 Hebert & DiFlorio (Motion to Amend)


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 underlined
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.)

RECESSION

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
17-6

Motion to Reconsider the Amendment (Intro. No. 342 of 2021)

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

Intro. 342
M. 87
17-6

Motion to Amend

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

Intro. 341
Res. 246
17-6

Main Motion as Amended by Motion No. 87 of 2021

(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

41. Dondorfer & Delehanty
   Intro. 346
   Res. 249
   23-0
   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
   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
   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
   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
   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

   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:

   Barry — Legislators Brew, Allkofer, Ancello, Boyce, Colby, Delehanty, DiFlorio, Dondorfer, Felder, Hebert, Keophetlasy, Lee, Marianetti, Smith, Taylor, Wilt, Carbone - 17

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