

FIRST DAY

TUESDAY, January 12, 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 202.87, issued by Governor Andrew M. Cuomo.

SUSPENSION OF THE RULES

Intro. 1
M. 1
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 JANUARY 12, 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. President Carbone called for a moment of silent prayer. The Pledge of Allegiance to the Flag was led by Legislator Kathleen A. Taylor.

APPROVAL OF MINUTES

Without objection, the Journals of Day 25, December 8, 2020, Day 26, December 10, 2020, and Day 27, December 15, 2020 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 202.79. 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.)

PETITIONS AND COMMUNICATIONS

From the County Executive – ADAM J. BELLO

Veto of Local Law (Intro. No. 368 of 2020), Entitled "Amending Monroe County Charter Relating to Term of Office of Members of County Legislature" Read and Print. (File No. 21-0001)

January 7, 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 December 11, 2020, in which you presented, among other matters, a Local Law entitled "Amending Monroe County Charter Relating to Term of Office of Members of County Legislature" (Intro. No. 368 of 2020), which was certified by you to have been adopted by the Monroe County Legislature at its meeting on December 8, 2020. 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.

I am disapproving this Local Law because it unduly delays the legislative reapportionment process. In doing so, it fails to ensure equity in representation for Monroe County residents and exposes the County to the risk of costly litigation.

Historically, the Legislature has drawn new districts every ten years to apportion legislative representation following the decennial census. This reapportionment process was scheduled to take place this year. Because of delays in the Census Bureau reporting data due to the COVID-19 pandemic, as well as changes to the political calendar set by State law, it is not possible to complete reapportionment prior to designating candidates for this year's general election.

Despite these challenges, it is imperative that Monroe County complete its legislative redistricting process as soon as possible. The timely completion of this process is important for two reasons. First, it is important to ensure equity in representation for all Monroe County residents. Unevenly weighted districts based on outdated census data do not achieve this goal. Second, it is essential for the County to comply with the constitutional one-person one-vote principle. In addition to being a matter of fundamental fairness, violations of this principle could expose the County to costly litigation.

By permitting the Legislators elected in 2021 to serve a two-year term, the Local Law ensures that Legislators will serve in outdated, unevenly weighted districts for a year longer than necessary. The redistricting process could certainly be completed in time for the 2022 general election. I have introduced legislation that would require prompt redistricting and create an independent redistricting commission. Creating an independent redistricting commission would give voters confidence that the redistricting process is fair and impartial. I urge the Legislature to take up my proposed legislation.

For the reasons stated above, I have disapproved the Local Law entitled "Amending Monroe County Charter Relating to Term of Office of Members of County Legislature" (Intro. No. 368 of 2020).

Sincerely,
Adam J. Bello
Monroe County Executive

PROCLAMATIONS

None

RECESS

(Note: President Carbone called for a moment of silence in recognition of those who lost their lives and were injured as a result of the violence at the U.S. Capitol.)

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

“Approving Increase and Improvement of Facilities in Rochester Pure Waters District – General Collection System and Treatment Plant Improvements”

“Approving Increase and Improvement of Facilities in Gates-Chili-Ogden Sewer District – General Collection System Improvements”

“Approving Increase and Improvement of Facilities in Irondequoit Bay South Central Pure Waters District – General Pump Station and Interceptor Improvements”

“Approving Increase and Improvement of Facilities in Northwest Quadrant Pure Waters District – General Pump Station, Interceptor and Treatment Plant Improvements”

No speakers addressed the Legislature and the Public Hearings concluded at 6:18 P.M.

RECONVENING LEGISLATURE

President Carbone reconvened the recessed meeting of January 12, 2021 and proceeded under the Usual Order of Business.

FORMAL COMMITTEE REPORTS

None

PUBLIC FORUM

An Open Forum was conducted. The comments of four pre-registered participant were read and the Open Forum concluded at 6:22 P.M.

CONSIDERATION OF LOCAL LAWS

- | | | |
|---|------------|--|
| 1. Smith & Wilcox
Intro. 2 | 20-0418.LL | Enacting a Local Law Requiring Pharmacies to Provide Notice on the Availability of Naloxone
Committee of the Whole; December 15, 2020 - CV: 29-0
<i>For Introductory Purposes Only</i> |
| 2. Smith & Wilcox
Intro. 3
M. 2
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 Tabled |

3. Smith & Wilcox
Intro. 4
Res. 1
29-0
- 20-0418.LL Fixing a Public Hearing on Local Law (Intro No. 2 of 2021), entitled "Enacting a Local Law Requiring Pharmacies to Provide Notice on the Availability of Naloxone"
Public Hearing will be held on Tuesday, February 9, 2021 at 6:15 p.m.
4. Brew & Felder
Intro. 5
M. 3
20-9
- 20-0285.LL Providing that Local Law (Intro. No. 368 of 2020), Entitled "Amending Monroe County Charter Relating to Term of Office of Members of County Legislature," Be Reconsidered, Repassed, and Adopted
(Legislators Barnhart, Bauroth, Baynes, Hasman, Maffucci, Morelle, Jr., Roman, Wilcox and Yudelson Voted in the Negative.)

Intro. No 368 of 2020
Local Law. No TBA

LOCAL LAW ENTITLED, "AMENDING MONROE COUNTY CHARTER RELATING TO TERM OF OFFICE OF MEMBERS OF COUNTY LEGISLATURE"

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

Section 1. Section C2-2D of the Monroe County Charter is hereby amended to read as follows:

D. The term of office of the members of the County Legislature shall begin on the first day of January next following their election. All Legislators shall be elected for a term of four years at the general election to be held in the year 2011. Subject to the conditions set forth in § C2-2A(3)(b) and (c), all Legislators shall be elected for a term of four years at the general election to be held in the year 2015, ~~and~~ all Legislators shall be elected for a term of two years at the general election to be held in the year 2019, and all Legislators shall be elected for a term of two years at the general election to be held in the year 2021. The term of office for all members of the County Legislature set forth in this § C2-2D shall terminate on the 31st day of December in the year ~~2024~~ 2023, and thereafter the term of office for all members of the County Legislature, beginning with the general election to be held in the year ~~2024~~ 2023, shall be in accordance with the plan set forth in § C2-2D.

Section 2. This local law is subject to permissive referendum and shall take effect in accordance with the applicable provisions of the Municipal Home Rule Law and the Monroe County Charter.

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

Committee of the Whole; September 22, 2020 – CV: 18-10
File No. 20-0285.LL

Passed: Ayes 20, Noes 9; December 8, 2020

Legislators Barnhart, Bauroth, Baynes, Hasman, Maffucci, Morelle, Jr., Roman, Wilcox and Yudelson Voted in the Negative.

Disapproved by County Executive Adam J. Bello on January 7, 2021 via file no. 21-0001. Reconsidered, Repassed, and Adopted by the Monroe County Legislature on January 12, 2021 via Motion No. 3 of 2021 in accordance with Section 21 of the Municipal Home Rule Law.

MOTIONS, RESOLUTIONS AND NOTICES

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| 5. Dondorfer & Delehanty
Intro. 6
M. 4
29-0 | 20-0385 | Providing that Resolution (Intro. No. 563 of 2020), Entitled "Approving Increase and Improvement of Facilities in Rochester Pure Waters District - General Collection System and Treatment Plant Improvements," be Lifted from the Table |
| 6. Dondorfer & Delehanty
Intro. 7
M. 5
29-0 | 20-0385 | Providing that Resolution (Intro. No. 563 of 2020), Entitled "Approving Increase and Improvement of Facilities in Rochester Pure Waters District - General Collection System and Treatment Plant Improvements," be Adopted |
| Intro. 563 of 2020
Res. 2
29-0 | | Main Motion |
| 7. Dondorfer & Delehanty
Intro. 8
Res. 3
29-0 | 20-0385.br | Approving Appropriation Transfer to Established Project "Rochester Pure Waters District - General Collection System and Treatment Plant Improvements" |
| 8. Dondorfer & Delehanty
Intro. 9
M. 6
29-0 | 20-0387 | Providing that Resolution (Intro. No. 566 of 2020), Entitled "Approving Increase and Improvement of Facilities in Gates-Chili-Ogden Sewer District - General Collection System Improvements," be Lifted from the Table |
| 9. Dondorfer & Delehanty
Intro. 10
M. 7
29-0 | 20-0387 | Providing that Resolution (Intro. No. 566 of 2020), Entitled "Approving Increase and Improvement of Facilities in Gates-Chili-Ogden Sewer District - General Collection System Improvements," be Adopted |
| Intro. 566 of 2020
Res. 4
29-0 | | Main Motion |
| 10. Dondorfer & Delehanty
Intro. 11
Res. 5
29-0 | 20-0387.br | Approving Appropriation Transfer to Established Project "Gates-Chili-Ogden Sewer District - General Collection System Improvements" |
| 11. Dondorfer & Delehanty
Intro. 12
M. 8
29-0 | 20-0389 | Providing that Resolution (Intro. No. 569 of 2020), Entitled "Approving Increase and Improvement of Facilities in Irondequoit Bay South Central Pure Waters District - General Pump Station and Interceptor Improvements," be Lifted from the Table |
| 12. Dondorfer & Delehanty
Intro. 13
M. 9
29-0 | 20-0389 | Providing that Resolution (Intro. No. 569 of 2020), Entitled "Approving Increase and Improvement of Facilities in Irondequoit Bay South Central Pure Waters District - General Pump Station," be Adopted |

Intro. 569 of 2020
Res. 6
29-0
Main Motion

13. Dondorfer & Delehanty
Intro. 14
Res. 7
20-0389.br Approving Appropriation Transfer to Established Project "Irondequoit Bay South Central Pure Waters District - General Pump Station and Interceptor Improvements"

14. Dondorfer & Delehanty
Intro. 15
M. 10
29-0
20-0391 Providing that Resolution (Intro. No. 572 of 2020), Entitled "Approving Increase and Improvement of Facilities in Northwest Quadrant Pure Waters District - General Pump Station, Interceptor and Treatment Plant Improvements," be Lifted from the Table

15. Dondorfer & Delehanty
Intro. 16
M. 11
29-0
20-0391 Providing that Resolution (Intro. No. 572 of 2020), Entitled "Approving Increase and Improvement of Facilities in Northwest Quadrant Pure Waters District - General Pump Station, Interceptor and Treatment Plant Improvements," be Adopted

Intro. 572 of 2020
Res. 8
29-0
Main Motion

16. Dondorfer & Delehanty
Intro. 17
Res. 9
29-0
20-0391.br Approving Appropriation Transfer to Established Project "Northwest Quadrant Pure Waters District - General Pump Station, Interceptor and Treatment Plant Improvements"

17. Taylor & Delehanty
Intro. 18
M. 12
29-0
20-0419 Providing that File No. 20-0419 Be Discharged From the Committee of the Whole

18. Taylor & Delehanty
Intro. 19
20-0419 Confirming Appointments to Monroe County Board of Ethics

Intro. 20
M. 13
21-8
Brew/Felder (*Motion to Sever*)
PROVIDING THAT INTRO. NO. 19 OF 2021 BE SEVERED
Be It Moved, that Intro. No. 19 of 2021 be, and hereby is, severed.
(*Legislators Barnhart, Baynes, Hasman, Maffucci, Morelle, Jr., Roman, Wilcox and Yudelson Voted in the Negative.*)

Taylor
Delehanty
Intro. 21
Res. 10
29-0
20-0419 Confirming Appointment of Hilda Rosario Escher to Monroe County Board of Ethics

Taylor
Delehanty
Intro. 22
Res. 11
29-0
20-0419 Confirming Appointment of Clayton Osbourne to Monroe County Board of Ethics

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| Taylor
Delehanty
Intro. 23
9-20F | 20-0419 | Confirming Appointment of Andrea Guzzetta to Monroe County Board of Ethics

<i>(Legislators Barnhart, Bauroth, Baynes, Hasman, Maffucci, Morelle, Jr., Roman, Wilcox and Yudelson Voted in the Positive.)</i> |
| 19. Taylor &
Smith
Intro. 24
Res. 12
29-0 | 20-0420 | Confirming Reappointments to Monroe County Board of Health Committee of the Whole; December 15, 2020 - CV: 29-0 |
| 20. Smith &
Delehanty
Intro. 25
Res. 13
28-1 | 20-0421 | Authorizing Contracts with Kimberly Ganley, Paul DiStefano, William Hawkins and Any Other Qualified Individual to Provide Municipal Representative Services for the Preschool Special Education Program Committee of the Whole; December 15, 2020 - CV: 22-7
<i>(Legislator Flagler-Mitchell Voted in the Negative.)</i> |
| 21. Smith &
Delehanty
Intro. 26
Res. 14
28-1 | 20-0422 | Authorizing Contract with Affinity Rehabilitation, LLP to Provide Nursing Services for the Monroe County Department of Public Health Early Intervention Program Committee of the Whole; December 15, 2020 - CV: 29-0

<i>(Legislator Flagler-Mitchell Voted in the Negative.)</i> |
| 22. Smith &
Delehanty
Intro. 27
Res. 15
29-0 | 20-0423 | Accepting Grant from Health Research, Inc. for Epidemiology and Laboratory Capacity COVID-19 Enhanced Detection Program Committee of the Whole; December 15, 2020 - CV: 29-0 |
| 23. Smith &
Delehanty
Intro. 28
Res. 16
29-0 | 20-0424 | Authorizing Intermunicipal Agreements with Other Counties for Services Provided by the Monroe County Office of the Medical Examiner Committee of the Whole; December 15, 2020 - CV: 29-0 |
| 24. Dondorfer &
Delehanty
Intro. 29
Res. 17
29-0 | 20-0425 | Amending Resolution 278 of 2012 to Extend Contract with Waste Management of New York L.L.C. for Operation and Maintenance of Monroe County Recycling Center and Curbside Recycling Program Committee of the Whole; December 15, 2020 - CV: 29-0 |
| 25. Dondorfer &
Ancello
Intro. 30
Res. 18
29-0 | 20-0426 | Classification of Action and Determination of Significance Pursuant to the State Environmental Quality Review Act for Sale of County Owned Tax Foreclosure Property Located at 2462 Sweden Walker Road, Clarkson, NY Committee of the Whole; December 15, 2020 - CV: 29-0 |
| 26. Delehanty &
Hebert
Intro. 31
Res. 19
29-0 | 20-0427 | Authorizing Sale of County Owned Tax Foreclosure Property Located at 2462 Sweden Walker Road in the Town of Clarkson Committee of the Whole; December 15, 2020 - CV: 29-0 |

27. Dondorfer & Ancello
Intro. 32
Res. 20
29-0 20-0428 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 90 Dunbar Road, Town of Parma, NY
Committee of the Whole; December 15, 2020 - CV: 29-0
28. Delehanty & Hebert
Intro. 33
Res. 21
29-0 20-0429 Authorizing Sale of County Owned Tax Foreclosure Property Located at 90 Dunbar Road in the Town of Parma
Committee of the Whole; December 15, 2020 - CV: 29-0
29. Delehanty & Hebert
Intro. 34
Res. 22
29-0 20-0430 Accepting Elections Cybersecurity Remediation Program Grant from the New York State Board of Elections for Cybersecurity Improvements to the Monroe County Board of Elections
Committee of the Whole; December 15, 2020 - CV: 29-0
30. Delehanty & Hebert
Intro. 35
Res. 23
29-0 20-0431 Authorizing Contract with Artech Information Systems, LLC and V3IT Consulting, Inc. for SAP Staff Augmentation Services
Committee of the Whole; December 15, 2020 - CV: 29-0
31. Smith & Boyce
Intro. 36
Res. 24
29-0 20-0437 Accepting Grant from the U.S. Department of Justice, Office of Justice Programs for The Justice and Mental Health Collaboration Program: Embedding Clinicians in Law Enforcement Agencies, and Amending Resolution 431 of 2020 Authorizing Contracts for the Provision of Mental Health, Development Disabilities, and Alcoholism and Substance Abuse Services in 2021
Committee of the Whole; December 15, 2020 - CV: 28-0

Matters of Urgency

32. Intro. 37
Election No. 1 21-0002 Election for Position of Second Assistant Deputy Clerk of the Legislature
- Mr. Brew nominated Erin Loftus, to serve as 2nd Assistant Deputy Clerk of the Monroe County Legislature. Mrs. DiFlorio seconded the nomination.
- Mr. Morelle, Jr. nominated Theresa Bertolone, to serve as 2nd Assistant Deputy Clerk of the Monroe County Legislature. Ms. Hasman seconded the nomination.
- Upon calling the roll, Ms. Erin Loftus was elected to serve as 2nd Assistant Deputy Clerk of the Monroe County Legislature by the following vote:
- Loftus —Legislators Brew, Allkofer, Ancello, Boyce, Colby, Delehanty, DiFlorio, Dondorfer, Hebert, Lee, Marianetti, Smith, Taylor, Terp, Wilt, Carbone - 16
- Bertolone — Legislators Felder, Barnhart, Bauroth, Baynes, Hasman, Keophetlasy, LaMar, Maffucci, Morelle, Jr., Roman, Wilcox, Yudelson — 12
- Abstain – Flagler-Mitchell - 1

33. Flagler-Mitchell & LaMar
Intro. 38
- Intro. 39
M. 14
- 10-19F
- Intro. 38
Res. 25
27-2
- 21-0003 Confirming Appointments to Diversity Action Plan Committee
- Baynes/Yudelson (*Motion to Table*)
PROVIDING THAT INTRO. NO. 38 OF 2021 BE TABLED
Be It Moved, that Intro. No. 38 of 2021 be, and hereby is, tabled.
(*Legislators Barnhart, Bauroth, Baynes, Boyce, Hasman, Maffucci, Morelle, Jr., Roman, Wilcox and Yudelson Voted in the Positive.*)
- Main Motion

(*Legislators Baynes and Maffucci Yudelson Voted in the Negative.*)
34. Delehanty & Hebert
Intro. 40
Res. 26
29-0
- 21-0004 Accepting Gift from Lightspec, LLC/Lightspec Canada, Inc. of Personal Protective Equipment
35. Delehanty & Hebert
Intro. 41
Res. 27
29-0
- 21-0029 Authorizing of Additional Authority Upon the County Executive to Respond to the COVID-19 Health Crisis

UNFINISHED BUSINESS

None

Upon Motion by Legislator Brew, the Legislature Adjourned at 7:37 P.M. until **Tuesday, February 9, 2021 at 6:00 P.M.**

Jack Moffitt
Clerk of the Legislature