

SEVENTH DAY

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TUESDAY, JULY 9, 2019

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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, Bauroth, Boyce, Brew, Carbone, Delehanty, DiFlorio, Drawe, Flagler-Mitchell, Halstead, Hebert, Howland, Kaleh, LaMar, Maffucci, Marianetti, Morelle, Jr., Muoio, Rockow, Sheppard, Taylor, Terp, Wilt, Zale – 25

Absent – Felder, Lightfoot, Micciche, Wilcox – 4

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The meeting formally opened. Prayer led by Pastor Eric Helms of Brockport United Methodist Church, at the invitation of Legislator Mike Rockow. The Pledge of Allegiance to the Flag was led by Legislator Karla F. Boyce.

*(Note: Legislator Lightfoot entered the Chambers and was present for the remainder of the meeting.)*

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**APPROVAL OF MINUTES**

Without objection, the Journal of Day 6, June 14, 2019 was approved as submitted.

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**PETITIONS AND COMMUNICATIONS**

*None*

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**PROCLAMATIONS**

**By the President of the Legislature – Dr. Joe Carbone**

*(Note: Legislator Felder entered the Chambers.)*

**Recognized jointly with County Executive Cheryl Dinolfo, Legislator Mike Rockow, and Legislator Mike Zale, Seymour Library, for winning the 2019 Rochester Regional Library Council Public Library of the Year Award.**  
Read and Filed.

**Recognized jointly with County Executive Cheryl Dinolfo and Legislator Frank X. Allkofer, Retired Public Employees Association, on its 50<sup>th</sup> anniversary and unbounding service to the public employee retirees of Monroe County.**  
Read and Filed.

**Recognized jointly with Legislator Karla F. Boyce, Legislator John Howland, and Legislator Howard Maffucci, Pittsford Panthers Girls Lacrosse Team, on winning the 2019 Section V Class A Title.**  
Read and Filed.

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**RECESS**

President Carbone recessed the meeting to allow for a Public Hearing entitled...

*"Adoption of 2020-2025 Capital Improvement Program"*

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

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**RECONVENING LEGISLATURE**

President Carbone reconvened the recessed meeting of July 9, 2019 and proceeded under the Usual Order of Business.

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**FORMAL COMMITTEE REPORTS**

*None*

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**PUBLIC FORUM**

An Open Forum was conducted to allow speakers to address the Legislature. There were seventeen speakers and the Open Forum concluded at 7:06 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**

*(Note: Legislator Felder was not present when the Legislature reconvened.)*

President Carbone reconvened the recessed meeting of July 9, 2019 and proceeded under the Usual Order of Business.

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**CONSIDERATION OF LOCAL LAWS**

1. Taylor & Delehanty Intro. 184 19-0160.LL Enacting a Local Law Authorizing Sale of a Surplus Parcel of Real Property, Owned by Monroe County Located at 342-344 East Henrietta Road, City of Rochester, New York to L & L Residential Rochester, LLC  
*For Introductory Purposes Only*  
Agenda/Charter Committee; June 26, 2019 – CV: 4-0  
Ways and Means Committee; June 26, 2019 - CV: 10-0

*(Note: Legislator Felder entered the Chambers.)*

2. Taylor & Delehanty Intro. 185 M. 30 27-0 19-0160.LL Providing that Local Law (Intro. No. 184 of 2019), Entitled "Enacting a Local Law Authorizing Sale of a Surplus Parcel of Real Property, Owned by Monroe County Located at 342-344 East Henrietta Road, City of Rochester, New York to L & L Residential Rochester, LLC " Be Tabled

3. Taylor & Delehanty  
Intro. 186  
Res. 158  
27-0
- 19-0160.LL Fixing a Public Hearing on Local Law (Intro. No. 184 of 2019), Entitled "Enacting a Local Law Authorizing Sale of a Surplus Parcel of Real Property, Owned by Monroe County Located at 342-344 East Henrietta Road, City of Rochester, New York to L & L Residential Rochester, LLC  
*Public Hearing Scheduled for Tuesday, August 13, 2019 at 6:15 P.M.*

### **MOTIONS, RESOLUTIONS AND NOTICES**

4. DiFlorio & Boyce  
Brew  
Terp  
Hebert  
Zale  
Howland  
Delehanty  
Intro. 187  
M. 31  
27-0
- 19-0120 Providing that Resolution (Intro. No. 161 of 2019), Entitled, "Adopting 2020-2025 Capital Improvement Program," Be Lifted from the Table

5. DiFlorio & Boyce  
Brew  
Terp  
Hebert  
Zale  
Howland  
Delehanty  
Intro. 188  
M. 32  
27-0
- 19-0120 Providing that Resolution (Intro. No. 161 of 2019), Entitled, "Adopting 2020-2025 Capital Improvement Program," Be Adopted

Intro. 161  
Res. 159  
27-0

Main Motion

6. Delehanty & Drawe  
Intro. 189  
Res. 160  
27-0
- 19-0141 Confirming Appointments to Board of Directors of Greater Rochester Visitors Association, Inc.
7. Taylor & Brew  
Intro. 190  
Res. 161  
27-0
- 19-0148 Confirming Appointment and Reappointments to Monroe County Recycling Advisory Committee  
Agenda/Charter Committee; June 26, 2019 – CV: 4-0
8. DiFlorio & Boyce  
Intro. 191
- 19-0149 Authorizing Addition to Western Monroe County Agricultural District Planning and Economic Development Committee; June 26, 2019 – CV: 4-0  
*For Introductory Purposes Only*

9. DiFlorio & Boyce  
Intro. 192  
M. 33  
27-0  
19-0149 Providing that Resolution (Intro. No. 191 of 2019), Entitled “Authorizing Addition to Western Monroe County Agricultural District,” Be Tabled
10. DiFlorio & Boyce  
Intro. 193  
Res. 162  
27-0  
19-0149 Fixing a Public Hearing by the Planning and Economic Development Committee of the Monroe County Legislature on Resolution (Intro. No. 191 of 2019), Entitled “Authorizing Addition to Western Monroe County Agricultural District”  
*Public Hearing is Scheduled for Monday, July 22, 2019 at 5:15 p.m.*
11. Boyce & Delehanty  
Intro. 194  
Res. 163  
27-0  
19-0150 Accepting Grant from New York State Department of Agriculture and Markets for Petroleum Product Quality Program  
Public Safety Committee; June 26, 2019 - CV: 8-0  
Ways and Means Committee; June 26, 2019 - CV: 10-0
12. Hebert & Brew  
Intro. 195  
Res. 164  
27-0  
19-0151 Authorizing Intermunicipal Agreement with Town of Greece and Any Other Municipal Corporation to Provide Geographic Information System Data Via Web-based Map Services  
Intergovernmental Relation Committee; June 26, 2019 - CV: 3-0  
Environment and Public Works Committee; June 26, 2019 - CV: 7-0
13. Howland & Delehanty  
Intro. 196  
Res. 165  
27-0  
19-0152 Amending 2019-2024 Capital Improvement Program to Add a Project Entitled "Culverts NY"  
Transportation Committee; June 26, 2019 - CV: 6-0  
Ways and Means Committee; June 26, 2019 - CV: 10-0
14. Howland & Delehanty  
Lightfoot  
Intro. 197  
Res. 166  
27-0  
19-0152.br Resolution Authorizing the Issuance of \$2,564,000 Bonds of the County of Monroe, New York, to Finance the Cost of the Culverts NY Project, in and for said County, a an Estimated Maximum Cost of \$2,564,000  
Transportation Committee; June 26, 2019 - CV: 6-0  
Ways and Means Committee; June 26, 2019 - CV: 10-0
15. Howland & Delehanty  
Lightfoot  
Intro. 198  
Res. 167  
27-0  
19-0153 Authorizing Contract with T.Y. Lin International Engineering, Architecture & Land Surveying, P.C. for Engineering Services for English Road Culverts over Round Pond Creek Tributary and over Kirk Creek in Town of Greece  
Transportation Committee; June 26, 2019 - CV: 6-0  
Ways and Means Committee; June 26, 2019 - CV: 10-0
16. Howland & Delehanty  
Lightfoot  
Intro. 199  
Res. 168  
27-0  
19-0154 Authorizing Acquisition of Interests in Real Property for Mendon Center Road Improvement Project between Canfield Road and Calkins Road in Towns of Mendon and Pittsford  
Transportation Committee; June 26, 2019 - CV: 6-0  
Ways and Means Committee; June 26, 2019 - CV: 10-0
17. Zale & Delehanty  
Intro. 200  
Res. 169  
27-0  
19-0155 Accepting Grant from New York State Office for the Aging and Authorizing Contract with Lifespan of Greater Rochester, Inc. for New York Connects Expansion & Enhancement Program  
Human Services Committee; June 26, 2019 - CV: 7-0  
Ways and Means Committee; June 26, 2019 - CV: 10-0

18. Zale & Delehanty  
Intro. 201  
Res. 170  
27-0
- 19-0156 Accepting Funding from New York State Office of Mental Health for Psychiatric Emergency Department Diversion Program and Authorizing Contract with Villa of Hope to Operate Psychiatric Emergency Department Diversion Program  
Human Services Committee; June 26, 2019 - CV: 7-0  
Ways and Means Committee; June 26, 2019 - CV: 10-0
19. Delehanty & Drawe  
Intro. 202  
Res. 171  
27-0
- 19-0157 Authorizing Contract with Phoenix Business, Inc. d/b/a Phoenix Business Consulting for Production and System Upgrade Support Services  
Ways and Means Committee; June 26, 2019 - CV: 10-0
20. Delehanty & Drawe  
Intro. 203  
Res. 172  
27-0
- 19-0158 Directing Correction, Cancellation and Levy of Certain Monroe County Taxes in the Village of Webster  
Ways and Means Committee; June 26, 2019 - CV: 10-0
21. Delehanty & Drawe  
Intro. 204  
Res. 173  
27-0
- 19-0159 Authorizing Sale of County Owned Tax Foreclosure Property Located in Monroe County  
Ways and Means Committee; June 26, 2019 - CV: 10-0
22. Delehanty & Drawe  
Intro. 205
- 19-0161 Authorizing Commencement of Litigation Against the State of New York and Other Necessary Parties to Challenge the Lawfulness of “Driver’s License Access and Privacy Act”  
Ways and Means Committee; June 26, 2019 - CV: 6-0

President Carbone ruled in favor of Legislator Marianetti’s **POINT OF ORDER**. Legislator Bauroth **APPEALED THE RULING OF THE CHAIR** and Legislator Lightfoot **SECONDED** the motion. A vote was taken and the Ruling of the Chair was **SUSTAINED** by the following vote:

Ayes - Legislators Marianetti, Allkofer, Ancello, Boyce, Brew, Delehanty, DiFlorio, Drawe, Halstead, Hebert, Howland, Rockow, Taylor, Terp, Wilt, Zale, and President Carbone – 17

Nays - Legislators Kaleh, Bauroth, Felder, Flagler-Mitchell, LaMar, Lightfoot, Maffucci, Morelle, Jr. Muoio, and Sheppard – 10

Intro. 206  
M. 34  
17-10

Marianetti/Delehanty (*Enter Executive Session*)

PROVIDING THAT THIS LEGISLATURE GO INTO EXECUTIVE SESSION

Be It Moved, that this Legislature be, and hereby is, in Executive Session for the purpose of discussing litigation relating to matters dealing with Referral 19-0161.

*(Legislators Kaleh, Bauroth, Felder, Flagler-Mitchell, LaMar, Lightfoot, Maffucci, Morelle, Jr., Muoio, and Sheppard Voted in the Negative.)*

Intro. 207  
M. 35  
10-17F

Muoio/Lightfoot (*Suspend the Rules*)

PROVIDING THAT THE RULES OF THE MONROE COUNTY  
LEGISLATURE BE SUSPENDED

Be It Moved, that the Rules of the Monroe County Legislature be, and hereby are,  
suspended.

*(Legislators Kaleh, Bauroth, Felder, Flagler-Mitchell, LaMar, Lightfoot, Maffucci, Morelle, Jr.,  
Muio, and Sheppard Voted in the Positive.)*

Intro. 208  
M. 36  
24-3

Marianetti/Delehanty/Bauroth (*Exit Executive Session*)

PROVIDING THAT THE EXECUTIVE SESSION END

Be It Moved, that the Executive Session be, and hereby is, ended.

*(Legislators Kaleh, LaMar, and Muio Voted in the Negative.)*

Intro. 205  
Res. 174  
17-10

Main Motion

*(Legislators Kaleh, Bauroth, Felder, Flagler-Mitchell, LaMar, Lightfoot, Maffucci, Morelle, Jr.,  
Muio, and Sheppard Voted in the Negative.)*

***Matters of Urgency***

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|---|---------|---|
| 23. Terp &<br>Delehanty<br>Intro. 209                     | 19-0162 | Approving Monroe Community College's 2019-2020 Operating Budget<br>Matter of Urgency<br><i>For Introductory Purposes Only</i>   |
| 24. Terp &<br>Delehanty<br>Intro. 210<br>M. 37<br>25-0    | 19-0162 | Providing that Resolution (Intro. No. 209 of 2019) Entitled "Approving Monroe<br>Community College's 2019-2020 Operating Budget," Be Tabled   |
| 25. Terp &<br>Delehanty<br>Intro. 211<br>Res. 175<br>25-0 | 19-0162 | Fixing Public Hearing on Resolution (Intro. No. 209 of 2019) Entitled "Approving<br>Monroe Community College's 2019-2020 Operating Budget"<br><i>Public Hearing is Scheduled for Tuesday, July 23, 2019 at 6:00 p.m.</i>  |
| 26. Brew &<br>Delehanty<br>Intro. 212                     | 19-0163 | Approving Increase and Improvement of Facilities in Rochester Pure Waters District<br>- Frank E. Van Lare Wastewater Treatment Plant Secondary Clarifier System<br>Improvements<br>Matter of Urgency<br><i>For Introductory Purposes Only</i>   |
| 27. Brew &<br>Delehanty<br>Intro. 213<br>M. 38<br>27-0    | 19-0163 | Providing that Resolution (Intro. No. 212 of 2019), Entitled "Approving Increase and<br>Improvement of Facilities in Rochester Pure Waters District – Frank E. Van Lare<br>Wastewater Treatment Plant Secondary Clarifier System Improvements," Be Tabled   |
| 28. Brew &<br>Delehanty<br>Intro. 214<br>Res. 176         | 19-0163 | Calling A Public Hearing for the Purpose of Considering a Proposed Increase and<br>Improvement of Facilities in Rochester Pure Waters District – Frank E. Van Lare<br>Wastewater Treatment Plant Secondary Clarifier System Improvements<br><i>Public Hearing Scheduled for Tuesday, August 13, 2019 at 6:16 P.M.</i> |

29. Brew & Delehanty Intro. 215 19-0165 Approving Increase and Improvement of Facilities in Rochester Pure Waters District - Frank E. Van Lare Wastewater Treatment Plant Electrical System Improvements Matter of Urgency  
*For Introductory Purposes Only*

*(Note: Legislator Felder exited the Chambers and did not return for the remainder of the meeting.)*

30. Brew & Delehanty Intro. 216 M. 39 26-0 19-0165 Providing that Resolution (Intro. No. 215 of 2019), Entitled "Approving Increase and Improvement of Facilities in Rochester Pure Waters District – Frank E. Van Lare Wastewater Treatment Plant Electrical System Improvements," Be Tabled
31. Brew & Delehanty Intro. 217 Res. 177 26-0 19-0165 Calling A Public Hearing for the Purpose of Considering a Proposed Increase and Improvement of Facilities in Rochester Pure Waters District – Frank E. Van Lare Wastewater Treatment Plant Electrical System Improvements  
*Public Hearing Scheduled for Tuesday, August 13, 2019 at 6:17 P.M.*
32. Delehanty & Drawe Intro. 218 Res. 178 26-0 19-0167 Amending Resolution 192 of 2018, Standard Work Day and Reporting Resolution for County Elected and Appointed Officials for Retirement Credit Purposes  
Matter of Urgency

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**UNFINISHED BUSINESS**

*None*

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Upon Motion by Legislator Marianetti, the Legislature Adjourned at 8:33 P.M. until **Tuesday, August 13, 2019 at 6:00 P.M.**

**Jack Moffitt**  
Clerk of the Legislature