

By Legislators Brew and DiFlorio

Intro. No. 179

MOTION NO. 40 OF 2021

**PROVIDING THAT RULES OF THE MONROE COUNTY LEGISLATURE BE  
SUSPENDED AND MODIFIED FOR THE REGULAR MEETING ON MAY 11, 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 Special Meeting in favor of video viewing or listening to, and recording and later transcription of such proceeding.

ADOPTION: Date: May 11, 2021

Vote: 29-0

By Legislators Brew and Delehanty

Intro. No. 180

MOTION NO. 41 OF 2021

**PROVIDING THAT LOCAL LAW (INTRO. NO. 135 OF 2021), ENTITLED "BUSINESS CLOSURE TRANSPARENCY ACT" BE LIFTED FROM THE TABLE**

BE IT MOVED, that Local Law (Intro. No. 135 of 2021), entitled "BUSINESS CLOSURE TRANSPARENCY ACT," be lifted from the table.

File No. 21-0081.LL

ADOPTION: Date: May 11, 2021

Vote: 29-0

By Legislators Brew and Delehanty

Intro. No. 181

MOTION NO. 42 OF 2021

**PROVIDING THAT LOCAL LAW (INTRO. NO. 135 OF 2021), ENTITLED "BUSINESS CLOSURE TRANSPARENCY ACT" BE ADOPTED**

BE IT MOVED, that Local Law (Intro. No. 135 of 2021), entitled "BUSINESS CLOSURE TRANSPARENCY ACT," be adopted.

File No. 21-0081.LL

ADOPTION: Date: May 11, 2021

Vote: 20-9

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

**ENACTING A LOCAL LAW ENTITLED "THREE-FOOT SAFE PASSING LAW"**

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

Section 1. **Title.** This chapter shall be known as "Carrie Ray's 3-Foot Passing Law to Protect Bicyclists."

Section 2. **Legislative Intent.** This Legislature hereby finds and determines that it is the duty of Monroe County to protect the health, safety, and welfare of its residents. This Legislature also finds and determines that many Monroe County residents ride bicycles for exercise, recreation, and as a primary mode of transport. This Legislature further finds and determines that when riding on roads, cyclists are vulnerable to the actions of motor vehicle operators. This Legislature determines that vehicles passing bicyclists pose a threat to the health and safety of these bicyclists if passing too closely or from the right side of the road. This Legislature also finds that a minimum passing distance should be established to protect bicyclists in Monroe County. Therefore, the purpose of this law is to establish regulations to protect the health and safety of bicyclists in Monroe County.

Section 3. **Minimum distance requirements for motor vehicles passing bicycles.** The operator of a vehicle that is overtaking, from behind, a bicycle proceeding on the same side of the road shall pass to the left of such bicycle at a distance of at least three (3) feet until safely clear thereof.

Section 4. **Severability.** If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. **Effective Date.** This local law shall take effect in accordance with the provisions of the Municipal Home Rule Law and the Monroe County Charter.

By Legislators Smith and Barnhart

Intro. No. 183

MOTION NO. 43 OF 2021

**PROVIDING THAT LOCAL LAW (INTRO. NO. 182 OF 2021) ENTITLED "THREE-FOOT SAFE PASSING LAW", BE TABLED**

BE IT MOVED, that Local Law (Intro. No. 182 of 2021) entitled "Three-Foot Safe Passing Law", be tabled.

File No. 21-0125.LL

ADOPTION: Date: May 11, 2021

Vote: 29-0

By Legislators Smith and Barnhart

Intro. No. 184

RESOLUTION NO. 138 OF 2021

**FIXING A PUBLIC HEARING ON LOCAL LAW (INTRO. NO. 182 OF 2021) ENTITLED  
“THREE-FOOT SAFE PASSING LAW”**

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

Section 1. That there will be a public hearing at 6:15 P.M. on the 8th day of June, 2021, in the Legislative Chambers in the County Office Building, Rochester, New York on Local Law (Intro. No. 182 of 2021) entitled “Three-Foot Safe Passing Law”.

Section 2. The Clerk of the Legislature is directed to give notice of the time and place of this public hearing, and a description of the proposed local law, to the news media within the County, and shall conspicuously post a copy of said notice in the office of the Clerk at least five days before said hearing. In addition, the Clerk shall cause said notice to be published once in the official newspapers of general circulation within the County at least five days before said hearing.

Section 3. This resolution shall take effect immediately.

File No. 21-0125.LL

ADOPTION: Date: May 11, 2021

Vote: 29-0

By Legislators Brew and Ancello

Intro. No. 185

MOTION NO. 44 OF 2021

**PROVIDING THAT FILE NO. 21-0131 ENTITLED, "ENACT A LOCAL LAW ESTABLISHING A SUSTAINABLE ENERGY LOAN PROGRAM (OPEN C-PACE) IN MONROE COUNTY AND AUTHORIZE A CONTRACT WITH ENERGY IMPROVEMENT CORPORATION TO ADMINISTER THE ENERGIZE NY OPEN C-PACE PROGRAM," BE DISCHARGED FROM COMMITTEE**

Be It Moved, that File No. 21-0131 entitled "Enact a Local Law Establishing a Sustainable Energy Loan Program (OPEN C-PACE) in Monroe County and Authorize a Contract with Energy Improvement Corporation to Administer the Energize NY Open C-PACE Program," be, and hereby is discharged from the Committee of the Whole.

ADOPTION: Date: May 11, 2021

Vote: 29-0

By Legislators Yudelson, Delehanty and Ancello

Intro. No. 186

**ENACT A LOCAL LAW TO ESTABLISH A SUSTAINABLE ENERGY LOAN PROGRAM (OPEN C-PACE) IN MONROE COUNTY**

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

**Section 1. This local law shall be known as the “Energize NY Open C-PACE Financing Program” and shall read as follows:**

**ARTICLE I**

**§1. Legislative findings, intent and purpose, authority.**

- A. It is the policy of both Monroe County and the State of New York to achieve energy efficiency and renewable energy improvements, reduce greenhouse gas emissions, mitigate the effect of global climate change, and advance a clean energy economy. Monroe County finds that it can fulfill this policy by providing property assessed clean energy financing to Qualified Property Owners (as defined below) for the installation of renewable energy systems and energy efficiency measures. This local law establishes a program that will allow the Energy Improvement Corporation (as defined below, “EIC”), a local development corporation, acting on behalf of Monroe County pursuant to the municipal agreement (the “Municipal Agreement”) to be entered into between Monroe County and EIC make funds available to Qualified Property Owners that will be repaid through charges on the real properties benefited by such funds, thereby fulfilling the purposes of this local law and accomplishing an important public purpose. This local law provides a method of implementing the public policies expressed by, and exercising the authority provided by, Article 5-L of the General Municipal Law (as defined below, the “Enabling Act”).
- B. Monroe County is a municipality of the State constituting a tax district as defined in Section 1102 of the RPTL. Monroe County is authorized to execute, deliver and perform the Municipal Agreement and otherwise to implement this Energize NY Open C-PACE Financing Program pursuant to the Constitution and laws of New York, including particularly Article IX of the Constitution, Section 10 of the Municipal Home Rule Law, the Enabling Act and this local law.
- C. This local law, which is adopted pursuant to Section 10 of the Municipal Home Rule Law and the Enabling Act shall be known and may be cited as the “Energize NY Open C-PACE Local Law”.



**§2. Definitions**

- A. Capitalized terms used but not defined herein have the meanings assigned in the Enabling Act.
- B. For purposes of this local law, and unless otherwise expressly stated or unless the context requires, the following terms shall have the meanings indicated:

**Annual Installment Amount** – shall have the meaning assigned in Section 8, paragraph B.

**Annual Installment Lien** – shall have the meaning assigned in Section 8 paragraph B.

**Authority** – the New York State Energy Research and Development Authority.

**Benefit Assessment Lien** – shall have the meaning assigned in Section 3, paragraph A.

**Benefited Property** – Qualified Property for which the Qualified Property Owner has entered into a Finance Agreement for a Qualified Project.

**Benefited Property Owner** – the owner of record of a Benefited Property.

**EIC** – the Energy Improvement Corporation, a local development corporation duly organized under section 1411 of the Not-For-Profit Corporation Law of the State, authorized hereby on behalf of Monroe County to implement the Program by providing funds to Qualified Property Owners and providing for repayment of such funds from money collected by or on behalf of Monroe County as a charge to be levied on the real property.

**Eligible Costs** – costs incurred by the Benefited Property Owner in connection with a Qualified Project and the related Finance Agreement, including application fees, EIC's Program administration fee, closing costs and fees, title and appraisal fees, professionals' fees, permits, fees for design and drawings and any other related fees, expenses and costs, in each case as approved by EIC and the Financing Party under the Finance Agreement

**Enabling Act** – Article 5-L of the General Municipal Law of the State, or a successor law, as in effect from time to time.

**Finance Agreement** – the finance agreement described in Section 6A of this local law.

**Financing Charges** – all charges, fees, and expenses related to the loan under the Finance Agreement including accrued interest, capitalized interest, prepayment premiums, and penalties as a result of a default or late payment and costs and reasonable attorneys' fees incurred by the Financing Party as a result of a foreclosure or other legal proceeding brought against the Benefited Property to enforce any delinquent Annual Installment Liens.

**Financing Parties** – Third-party capital providers approved by EIC to provide financing to Qualified Property Owners or other financial support to the Program which have entered into separate agreements with EIC to administer the Program in Monroe County.

**Municipal Lien** – a lien on Qualified Property which secures the obligation to pay real property taxes, municipal charges, or governmentally imposed assessments in respect of services or benefits to a Qualified Property.

**Non-Municipal Lien** – a lien on Qualified Property which secures any obligation other than the obligation to pay real property taxes, municipal charges, or governmentally-imposed assessments in respect of services or benefits to a Qualified Property Owner or Qualified Property.

**Program** – the Energize NY Open C-PACE Financing Program authorized hereby.

**Qualified Project** – the acquisition, construction, reconstruction or equipping of Energy Efficiency Improvements or Renewable Energy Systems or other projects authorized under the Enabling Act on a Qualified Property, together with a related Energy Audit, Renewable Energy System Feasibility Study and/or other requirements under or pursuant to the Enabling Act, with funds provided in whole or in part by Financing Parties under the Program to achieve the purposes of the Enabling Act.

**Qualified Property** – Any real property other than a residential building containing less than three dwelling units, which is within the boundaries of Monroe County that has been determined to be eligible to participate in the Program under the procedures for eligibility set forth under this local law and the Enabling Act and has become the site of a Qualified Project.

**Qualified Property Owner** – the owner of record of Qualified Property which has been determined by EIC to meet the requirements for participation in the Program as an owner, and any transferee owner of such Qualified Property.

**RPTL** – the Real Property Tax Law of the State, as amended from time to time.

**Secured Amount** – as of any date, the aggregate amount of principal loaned to the Qualified Property Owner for a Qualified Project, together with Eligible Costs and Financing Charges, as provided herein or in the Finance Agreement, as reduced pursuant to Section 8, paragraph C.

**State** – the State of New York.

### **§3. Establishment of an Energize NY Open C-PACE Financing Program**

- A. An Energize NY Open C-PACE Financing Program is hereby established by Monroe County, whereby EIC acting on its behalf pursuant to the Municipal Agreement, may arrange for the provision of funds by Financing Parties to Qualified Property Owners in accordance with the Enabling Act and the procedures set forth under this local law, to finance the acquisition, construction, reconstruction, and installation of Qualified Projects and Eligible Costs and Financing Charges approved by EIC and by the Financing Party under the Finance Agreement. EIC, on behalf of Monroe County, and with the consent of the Benefited Property Owner, will record a Benefit Assessment Lien on the Benefited Property in the Secured Amount (the “Benefit Assessment Lien”) on the land records of the Monroe County Clerk’s Office. Such recording shall be exempt from any charge, mortgage recording tax, or other fee in the same manner as if recorded by Monroe County.
- B. Before a Qualified Property Owner and a Financing Party enter into a Finance Agreement which results in a loan to finance a Qualified Project, repayment of which is secured by a

Benefit Assessment Lien, a written consent from each existing mortgage holder of the Qualified Property shall be obtained, permitting the Benefit Assessment Lien and each Annual Installment Lien to take priority over all existing mortgages.

**§4. Procedures for eligibility**

- A. Any property owner in Monroe County may submit an application to EIC on such forms as have been prepared by EIC and made available to property owners on the website of EIC and at Monroe County's offices.
- B. Every application submitted by a property owner shall be reviewed by EIC, acting on behalf of Monroe County, which shall make a positive or negative determination on such application based upon the criteria enumerated in the Enabling Act and § 5 of this local law. EIC may also request further information from the property owner where necessary to aid in its determination.
- C. If a positive determination on an application is made by EIC, acting on behalf of Monroe County, the property owner shall be deemed a Qualified Property Owner and shall be eligible to participate in the Program in accordance with § 6 of this local law.

**§5. Application criteria.** Upon the submission of an application, EIC, acting on behalf of Monroe County, shall make a positive or negative determination on such application based upon the following criteria for the making of a financing:

- A. The property owner may not be in bankruptcy and the property may not constitute property subject to any pending bankruptcy proceeding;
- B. The amount financed under the Program shall be repaid over a term not to exceed the weighted average of the useful life of Renewable Energy Systems and Energy Efficiency Improvements to be installed on the property, as determined by EIC;
- C. Sufficient funds are available from Financing Parties to provide financing to the property owner;
- D. The property owner is current in payments on any existing mortgage on the Qualified Property;
- E. The property owner is current on payments, with respect to the Qualified Property, on any real property taxes, municipal charges, and governmentally imposed assessments in respect of services or benefits, including the Monroe County Hotel Room Occupancy Tax, if applicable; and
- F. Such additional criteria, not inconsistent with the criteria set forth above, as the State, Monroe County, or EIC acting on its behalf, or other Financing Parties may set from time to time.

**§6. Energize NY Finance Agreement**

- A. A Qualified Property Owner may participate in the Program through the execution of a finance agreement made by and between the Qualified Property Owner and a Financing Party, to which EIC, on behalf of Monroe County, shall be a third-party beneficiary (the "Finance Agreement"). Upon execution and delivery of the Finance Agreement, the property that is the subject of the Finance Agreement shall be deemed a "Benefited Property").
- B. Upon execution and delivery of the Finance Agreement, the Benefited Property Owner shall be eligible to receive funds from the Financing Party for the acquisition, construction, and installation of a Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, provided the requirements of the Enabling Act, the Municipal Agreement and this local law have been met.
- C. The Finance Agreement shall include the terms and conditions of repayment of the Secured Amount and the Annual Installment Amounts.
- D. EIC may charge fees to offset the costs of administering the Program and such fees, if not paid by the Financing Party, shall be added to the Secured Amount.

**§7. Terms and conditions of repayment.** The Finance Agreement shall set forth the terms and conditions of repayment in accordance with the following:

- A. The principal amount of the funds loaned to the Benefited Property Owner for the Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, shall be specially assessed against the Benefited Property and will be evidenced by a Benefit Assessment Lien recorded against the Benefited Property on the land records of the Monroe County Clerk's Office. The special benefit assessment shall constitute a "charge" within the meaning of the Enabling Act and shall be collected in annual installments in the amounts certified by the Financing Party in a schedule provided at closing and made part of the Benefit Assessment Lien. Said amount shall be annually levied, billed, and collected by EIC, on behalf of Monroe County, and shall be paid to the Financing Party as provided in the Finance Agreement.
- B. The term of such repayment shall be determined at the time the Finance Agreement is executed by the Benefited Property Owner and the Financing Party, not to exceed the weighted average of the useful life of the systems and improvements as determined by EIC, acting on behalf of Monroe County.
- C. The rate of interest for the Secured Amount shall be fixed by the Financing Party in conjunction with EIC, acting on behalf of Monroe County, as provided in the Finance Agreement.

**§8. Levy of Annual Installment Amount and Creation of Annual Installment Lien.**

- A. Upon the making of the loan pursuant to the Finance Agreement, the Secured Amount shall become a special Benefit Assessment Lien on the Benefited Property in favor of

Monroe County. The amount of the Benefit Assessment Lien shall be the Secured Amount. Evidence of the Benefit Assessment Lien shall be recorded by EIC, on behalf of Monroe County, on the land records of the Monroe County Clerk's Office. Such recording shall be exempt from any charge, mortgage recording tax, or other fee in the same manner as if recorded by Monroe County. The Benefit Assessment Lien shall not be foreclosed upon by or otherwise enforced by Monroe County.

- B. The Finance Agreement shall provide for the repayment of the Secured Amount in installments made at least annually, as provided in a schedule attached to the Benefit Assessment Lien (the "Annual Installment Amount"). The Annual Installment Amount shall be levied by EIC, on behalf of Monroe County, on the Benefited Property in the same manner as levies for county charges and shall become a lien on the Benefited Property at midnight on the thirty-first day of December of the preceding year (the "Annual Installment Lien") and shall remain a lien until fully paid or otherwise satisfied or cancelled as provided by law. The creation or any recording of the Annual Installment Lien shall be exempt from any charge, mortgage recording tax, or other fee in the same manner as if recorded by Monroe County. Payment to the Financing Party shall be considered payment for this purpose. Such payment shall partly or wholly discharge the Annual Installment Lien. Delinquent Annual Installment Amounts may accrue Financing Charges as may be provided in the Finance Agreement. Any additional Financing Charges imposed by the Financing Party pursuant to the Finance Agreement shall increase the Annual Installment Amount and the Annual Installment Lien for the year in which such overdue payments were first due.
- C. The Benefit Assessment Lien shall be reduced annually by the amount of each Annual Installment Lien when each Annual Installment Lien becomes a lien. Each Annual Installment Lien shall be subordinate to all Municipal Liens, whether created pursuant to the RPTL, the Monroe County Tax Act, or by any other State or local law. No portion of a Secured Amount shall be recovered by Monroe County, EIC, or an assignee upon foreclosure, sale, or other disposition of the Benefited Property unless and until all Municipal Liens are fully discharged. Each Annual Installment Lien, however, shall have priority over all Non-Municipal Liens, irrespective of when created, except as otherwise required by law.
- D. Neither the Benefit Assessment Lien nor any Annual Installment Lien shall be extinguished or accelerated in the event of a default or bankruptcy of the Benefited Property Owner. Each Annual Installment Amount shall be considered a charge upon the Benefited Property and shall be collected by EIC, on behalf of Monroe County, at the same time and in the same manner as real property taxes or county charges. Each Annual Installment Lien shall remain a lien until paid. Amounts collected in respect of an Annual Installment Lien shall be remitted to EIC, on behalf of Monroe County, or the Financing Party, as may be provided in the Finance Agreement.
- E. EIC shall act as Monroe County's agent in collection of the Annual Installment Amounts. If any Benefited Property Owner fails to pay an Annual Installment Amount, the Financing Party may redeem the Benefited Property by paying the amount of all unpaid Municipal Liens thereon, and thereafter shall have the right to collect any amounts in

respect of an Annual Installment Lien by foreclosure or any other remedy available at law. Any foreclosure shall not affect any subsequent Annual Installment Liens.

- F. EIC, on behalf of Monroe County, may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens to Financing Parties that provide financing to Qualified Properties pursuant to Finance Agreements. The Financing Parties may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens received from EIC, on behalf of the Municipality, subject to certain conditions provided in the administration agreement between EIC and the Financing Party. The assignee or assignees of such Benefit Assessment Liens and Annual Installment Liens shall have and possess the same powers and rights at law or in equity as Monroe County would have had if the Benefit Assessment Lien and the Annual Installment Liens had not been assigned with regard to the precedence and priority of such lien, the accrual of interest and the fees and expenses of collection. Notwithstanding the foregoing, no sale or assignment of a Benefit Assessment Lien and/or Annual Installment Lien shall be valid unless notice of such sale is recorded in the Monroe County Clerk's Office against the particular Qualified Property(ies) for which the Benefit Assessment Liens and/or Annual Installment Liens are being sold or assigned.

**§9. Verification and report.** EIC, on behalf of Monroe County, shall verify and report on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by the Program in such form and manner as the Authority may establish.

**§10. Separability.** If any clause, sentence, paragraph, section, or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof involved in the controversy in which such judgment shall have been rendered.

Section 2. This local law shall take effect upon filing with the Secretary of State.

File No. 21-0131.LL

By Legislators Yudelson, Delehanty and Ancello

Intro. No. 187

MOTION NO. 45 OF 2021

**PROVIDING THAT LOCAL LAW (INTRO. NO. 186 OF 2021) ESTABLISHING A SUSTAINABLE ENERGY LOAN PROGRAM (OPEN C-PACE) IN MONROE COUNTY, BE TABLED**

BE IT MOVED, that Local Law (Intro. No. 186 of 2021) Establishing a Sustainable Energy Loan Program (OPEN C-PACE) in Monroe County, be tabled.

File No. 21-0131.LL

ADOPTION: Date: May 11, 2021

Vote: 29-0

By Legislators Yudelson, Delehanty and Ancello

Intro. No. 188

RESOLUTION NO. 139 OF 2021

**FIXING A PUBLIC HEARING ON LOCAL LAW (INTRO. NO. 186 OF 2021) ESTABLISHING A SUSTAINABLE ENERGY LOAN PROGRAM (OPEN C-PACE) IN MONROE COUNTY**

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

Section 1. That there will be a public hearing at 6:16 P.M. on the 8th day of June, 2021, in the Legislative Chambers in the County Office Building, Rochester, New York on Local Law (Intro. No. 186 of 2021) Establishing a Sustainable Energy Loan Program (OPEN C-PACE) in Monroe County.

Section 2. The Clerk of the Legislature is directed to give notice of the time and place of this public hearing, and a description of the proposed local law, to the news media within the County, and shall conspicuously post a copy of said notice in the office of the Clerk at least five days before said hearing. In addition, the Clerk shall cause said notice to be published once in the official newspapers of general circulation within the County at least five days before said hearing.

Section 3. This resolution shall take effect immediately.

File No. 21-0131.LL

ADOPTION: Date: May 11, 2021

Vote: 29-0



By Legislators Felder and Flagler-Mitchell

Intro. No. 189

MOTION NO. 46 OF 2021

**PROVIDING THAT LOCAL LAW (INTRO. NO. 175 OF 2021), ENTITLED  
“OPERATION OF OFF-ROAD VEHICLES ON PUBLIC HIGHWAYS IN MONROE  
COUNTY,” BE LIFTED FROM THE TABLE**

Be It Moved, that Local Law (Intro. No. 175 of 2021), entitled “Operation of Off-Road Vehicles on Public Highways in Monroe County” be lifted from the table.

File No. 21-0164.LL

ADOPTION: Date: May 11, 2021

Vote: 29-0

By Legislators DiFlorio, Hebert and Flagler-Mitchell

Intro No. 190

MOTION NO. 47 OF 2021

**PROVIDING THAT LOCAL LAW (INTRO. NO. 175 OF 2021, ENTITLED, "OPERATION OF OFF-ROAD VEHICLES ON PUBLIC HIGHWAYS IN MONROE COUNTY," BE AMENDED**

BE IT MOVED, that Local Law (Intro. No. 175 of 2021), entitled "OPERATION OF OFF-ROAD VEHICLES ON PUBLIC HIGHWAYS IN MONROE COUNTY," be amended as follows:

Section 1. Part IV, General Local Laws of the Administrative Code and Charter of Monroe County, is hereby amended to add a new chapter to include the following Local Law:

**CHAPTER 314, OPERATION OF OFF-ROAD VEHICLES ON PUBLIC HIGHWAYS IN MONROE COUNTY**

~~Section 1. § 314-1~~ **Title.** This ~~local law chapter~~ shall be known as the law "Operation of Off-Road Vehicles on Public Highways in Monroe County."

~~Section 2. § 314-2~~ **Legislative Intent.** ~~To create an additional Chapter of the General Locals Laws of Monroe County pertaining to the operation of off-road vehicles in Monroe County to be enacted as follows: The Legislature hereby finds that:~~

- ~~A. The use of off-road vehicles on public highways are a threat to the safety of pedestrians, motorists, and bicyclists.~~
- ~~B. Law enforcement has requested assistance from the Legislature, in the form of a local law, giving law enforcement the power to impound illegally operated off-road vehicles.~~
- ~~C. Many off-road vehicle operators and passengers are not equipped with proper protective gear.~~
- ~~D. The health, safety and well-being of the citizens of Monroe County is furthered by curtailing the illegal and unsafe use of off-road vehicles on public highways.~~

~~Section 3. § 314-3~~ **Definitions**

- ~~A. Off-Road Vehicle. Includes All-Terrain Vehicles (ATVs) as defined in Section 2281(1) of the New York State Vehicle and Traffic Law, all off-highway motorcycles as defined by Section 125-a of the New York State Vehicle and Traffic Law, and motocross or dirt bikes, dune buggies, go-carts, and any and all other types of motorized trail bikes or vehicles with a primary intention for off-road use but not including non-motorized bikes.~~
- ~~B. Operate. To ride in or on, other than as a passenger, or use or control the operation of an off-road vehicles in any manner regardless of if said off-road vehicle is underway.~~
- ~~C. Public Highway. Any highway, road, alley, street, avenue, public place, public driveway, or any other public way.~~

~~Section 4. § 314-4~~ **Unlawful Conduct and Hazardous Operation of Off-Road Vehicles.**

- A. Unless otherwise permitted by Article 48-c of the New York State Vehicle and Traffic Law or other applicable law, it shall be unlawful to operate an off-road vehicle on any public highway in Monroe County.
- B. No person shall operate an ATV or any vehicle on the roadways of the County of Monroe unless it is covered by liability insurance; nonetheless, said ATV, or any vehicle that is not street legal may be operated by authorized government officials, the Monroe County Sheriff's Office, the Rochester Police Department, the New York State Police, the Federal Bureau of Investigation or the Bureau of Alcohol, Tobacco, Firearms and Explosives, in furtherance of their official duties.

~~Section 5: § 314-5~~      **Operation of Off-Road Vehicles in County Parks.** Chapter 323 of the General Local Laws of Monroe County shall continue to govern the use of off-road vehicles in Monroe County parks.

~~Section 6: § 314-6~~      **Required Protective Gears:**

- A. Operators and passengers must wear a United States Department of Transportation (USDOT) approved helmet while riding an ATV.

~~Section 7: § 314-7~~      **Penalties:**

- A. In addition to any other applicable penalties permitted by law, a police officer or peace officer may immediately impound any off-road vehicle that has been operated in breach of ~~the above sections~~ § 314-4 or § 314-6.
- B. Any off-road vehicle impounded pursuant to this section shall be stored by the pertinent police department or enforcement agency pending identification of the owner.
  - 1. Proof of Ownership. Acceptable proof of ownership are:
    - a. For a new off-road vehicle – the Manufacturer's Certificate of Origin (MCO or MSO), an out-of-state title certificate or registration certificate; or,
    - b. For a used off-road vehicle – a completed "Certification of Sale or Transfer" (MV-51) plus the MCO or MSO; or, a New York State transferable registration signed over to the current operator by the previous owner;
    - c. If an off-road vehicle has never been registered and current operator/owner do not have these acceptable documents, one must complete and submit a "Statement of Ownership" through the Department of Motor Vehicle (MV-51B).
      - 1. Law Enforcement shall record the Vehicle Identification Number (VIN) and provide the same to the alleged owner upon request.
  - 2. Off-Road Vehicles Without Required Registration
    - a. If registration of off-road vehicle is not so required, other indicia of ownership may be utilized to identify the proper off-road vehicle owner.
- C. Such owner shall be sent notice of such impoundment by certified mail within five days after the impoundment.
- D. The law enforcement agency shall not be liable for any damages arising out of the provision of an erroneous name or address of such owner.

- E. The owner of the impounded off-road vehicle may redeem the same upon satisfactory proof of ownership and payment of a redemption fee of \$500 to the impounding police department if it is the first time such vehicle has been impounded pursuant to this Local Law, or \$2,000 if such vehicle has previously been impounded pursuant to this Local Law. Such impounded off-road vehicle may only be released to the owner of the off-road vehicle or to his or her agent as evidenced by a written, notarized agent agreement or duly executed power of attorney.
- F. At no time shall this Local Law apply to the operation of an off-road vehicle as an emergency vehicle by any authorized emergency, police or civil department.

~~Section 8: § 314-8~~ **Severability.** If any clause, sentence, paragraph, subdivision, section, or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgement shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgement shall be rendered.

Section 9 2. ~~Effective Date.~~ This local law shall take effect after filing with the Secretary of State pursuant to Section 27 of New York Municipal Home Rule Law and the Monroe County Charter.

Added language by this motion is underlined  
Deleted language by this motion is ~~stricken~~

Matter of Urgency  
File No. 21-0164.LL

ADOPTION: Date: May 11, 2021      Vote: 29-0

By Legislators Flagler-Mitchell and Felder

Intro. No. 191

MOTION NO. 48 OF 2021

**PROVIDING THAT FILE NO. 20-0340 BE DISCHARGED FROM COMMITTEE**

Be It Moved, that File No. 20-0340 entitled "Enact a Local Law Entitled "Gantt's Law for Utilization of Minority and Women-Owned Businesses" be, and hereby is discharged from the Agenda/Charter Committee.

ADOPTION: Date: May 11, 2021

Vote: 29-0

**ENACT A LOCAL LAW ENTITLED "GANTT'S LAW FOR UTILIZATION OF MINORITY AND WOMEN-OWNED BUSINESSES"**

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

Section 1. Resolutions 240 of 2014 and 69 of 1989 are hereby rescinded.

Section 2. Part III, Administrative Local Laws of the Administrative Code and Charter of Monroe County, is hereby amended to add a new chapter to include the following Local Law:

**CHAPTER 26, UTILIZATION OF MINORITY AND WOMEN-OWNED BUSINESSES**

**§ 26-1. Title.**

This chapter shall be known as the "Gantt's Law."

**§ 26-2. Legislative Intent.**

- A. This Legislature hereby finds and determines that a need exists within the County of Monroe to recognize and encourage the growth of business enterprises that are owned and operated by women and minorities.
- B. This Legislature also finds business enterprises that are owned and operated by women and minorities have struggled to achieve equitable representation in procurement by the County of Monroe.
- C. This Legislature also finds that previous policies enacted by the County of Monroe regarding business enterprises that are owned and operated by women and minorities only pertained to construction activities.
- D. This Legislature also finds that the County's economy will benefit from the utilization by the County of business enterprises that are owned and operated by women and minorities.
- E. This Legislature further finds that both the state and federal governments have instituted programs that facilitate participation in government contracts by business enterprises that are owned and operated by women and minorities.
- F. Therefore, the purpose of this article is to ensure that minority- and women-owned business enterprises have sufficient opportunity to participate both directly and indirectly in contracting opportunities with Monroe County.

§ 26-3. **Purpose.**

The purpose of this section is to promote and encourage the utilization of minority and women-owned business enterprises in procurement by the County of Monroe and establish clear guidelines for what constitutes a minority and women-owned business enterprise, create a directory of minority and women-owned business enterprises, expand the use of minority and women-owned business enterprises in all areas of County procurement, institute reporting guidelines, conduct training for minority and women-owned business enterprises, and set new goals for the use of minority and women-owned business enterprises in County procurement.

§ 26-4. **Definitions.** As used in this section:

A. **Certified Business** – shall mean a business verified as a minority and women-owned business enterprise pursuant to § 26-5 of this article.

B. **Committee** – shall mean the Diversity Action Plan Advisory Committee established in accordance with Resolution 212 of 2020.

C. **Contractor** – shall mean an individual, a business enterprise, including a sole proprietorship, a partnership, a corporation, a not-for-profit corporation, or any other party to a County contract, or a bidder in conjunction with the award of a County contract or a proposed party to a County contract.

D. **County** – shall mean any County department; or any agency, division, board, office, elected official, commission or bureau of the County or of any County department.

E. **County Contract** – shall mean:

1. a written agreement or purchase order instrument, providing for a total expenditure in excess of fifteen thousand dollars, whereby the County is committed to expend or does expend funds in return for labor, services, supplies, equipment, materials or any combination of the foregoing, to be performed for, or rendered or furnished to the County;
2. a written agreement in excess of sixty thousand dollars whereby the County is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon.

For the purposes of this section, the term "services" shall not include banking relationships, the issuance of insurance policies or contracts, or contracts with the County for the sale of bonds, notes or other securities.

F. **Director** – shall mean the Director of Diversity, Equity and Inclusion – Chief Diversity Officer.

G. **Minority Group Members** – shall mean a United States citizen or permanent resident alien who has and can demonstrate membership in one of the following groups:

- a. Black persons having origins in any of the Black African racial groups;
- b. Hispanic persons of Mexican, Puerto Rican, Dominican, Cuban, Central or South American Descent of either Indian or Hispanic origin, regardless of race;
- c. Native American or Alaskan native persons having origins in any of the original peoples of North America;

- d. Asian and Pacific Islander persons having origins in any of the Far East countries, South East Asia, the Indian subcontinent or the Pacific Islands.

H. Minority-Owned Business Enterprise – shall mean a business enterprise, including a sole proprietorship, partnership or corporation that is:

1. at least fifty-one percent owned by one or more minority group members;
2. an enterprise in which such minority ownership is real, substantial and continuing;
3. an enterprise in which such minority ownership has and exercises the authority to control independently the day-to-day business decisions of the enterprise; and
4. an enterprise authorized to do business in the State of New York state and independently owned and operated.

I. Office – shall mean the Monroe County Department of Diversity, Equity and Inclusion.

J. Subcontract - shall mean an agreement providing for a total expenditure in excess of fifteen thousand dollars for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon between a contractor and any individual or business enterprise, including a sole proprietorship, partnership, corporation, or not-for-profit corporation, in which a portion of a contractor's obligation under a County contract is undertaken or assumed, but shall not include any construction, demolition, replacement, major repair, renovation, planning or design of real property or improvements thereon for the beneficial use of the contractor.

K. Utilization Plan - shall mean a plan prepared by a contractor and submitted in connection with a proposed County contract. The utilization plan shall identify certified minority and women-owned business enterprises, if known, that have committed to perform work in connection with the proposed County contract as well as any such enterprises, if known, which the contractor intends to use in connection with the contractor's performance of the proposed County contract. The plan shall specifically contain a list, including the name, address and telephone number, of each certified enterprise with which the contractor intends to subcontract.

L. Women-Owned Business Enterprise – shall mean a business enterprise, including a sole Proprietorship, partnership or corporation that is:

1. at least fifty-one percent owned by one or more United States citizens or permanent resident aliens who are women;
2. an enterprise in which the ownership interest of such women is real, substantial and continuing;
3. an enterprise in which such women ownership has and exercises the authority to control independently the day-to-day business decisions of the enterprise; and
4. an enterprise authorized to do business in the State of New York state and independently owned and operated.



#### § 26-5. Certification.

A. The Director, in conjunction with the Committee, shall promulgate rules and regulations providing for the establishment of a Countywide certification program, including rules and regulations governing the approval, denial or revocation of any such certification. Such rules and regulations shall include, but not be limited to, such matters as may be required to ensure that the established procedures thereunder shall at least be in compliance with the code of fair procedure set forth in § 73 of the New York Civil Rights Law. The Director shall accept all businesses having or awaiting certification by a state agency.

B. For the purposes of this article, the Office shall be responsible for verifying businesses as being owned, operated, and controlled by minority group members or women and for certifying such verified businesses or may refer such process to an appropriate state agency. The Director shall prepare a directory of certified businesses for use by the County and contractors in carrying out the provisions of this article. The Director shall periodically update the directory and make it publically available on the County's website.

C. Following application for certification pursuant to this section, the Director shall provide the applicant with written notice of the status of the application, including notice of any outstanding deficiencies, within 30 days. Within 60 days of submission of a final completed application, the Director shall provide the applicant with written notice of a determination by the Office approving or denying such certification and, in the event of a denial, a statement setting forth the reasons for such denial. Upon a determination denying or revoking certification, the business enterprise for which certification has been so denied or revoked shall, upon written request made within 30 days from receipt of notice of such determination, be entitled to a hearing before the Committee. In the event that a request for a hearing is not made within such thirty-day period, such determination shall be deemed to be final. The Committee shall conduct a hearing and, upon the conclusion of such hearing, issue a written recommendation to the Director to affirm, reverse or modify such determination of the Director. Such written recommendation shall be issued to the applicant and the Director. The Director, within 30 days, shall, by order, accept, reject or modify such recommendation of the Committee and set forth in writing the reasons therefor. The Director shall serve a copy of such order and reasons therefor upon the business enterprise by personal service or by certified mail, return receipt requested.

#### § 26-6. Annual Workshop

The Office shall hold an annual workshop for potential minority and women-owned business enterprise applicants and certified businesses, for the purpose of educating and informing participants about the County's procurement processes and reviewing upcoming procurement opportunities including, but not limited to the Capital Improvement Plan. The workshop shall include all relevant information to allow potential bidders to understand, navigate, and compete in the County's procurement process.

#### § 26-7. Goals

The County hereby sets the following goals for insuring the full and equitable participation minority and women-owned business enterprises:

A. the County shall have a level of participation goal of twelve (12) percent for minority-owned business enterprises of the total value of County contracts in a given year;

B. the County shall have a level of participation goal of three (3) percent for women-owned business enterprises of the total value of County contracts in a given year; and

C. the above stated goals shall coincide with the County's good faith efforts to utilize local labor and create local jobs through County contracts.

**§ 26-8. Equal Employment Opportunities for Minority Group Members and Women.**

A. All County contracts and all documents soliciting bids or proposals for County contracts shall contain or make reference to the following provisions:

1. the contractor shall not discriminate against employees or applicants for employment because of race, creed, color, national origin, sex, age, disability, sexual orientation, military status, or marital status, and will undertake or continue taking steps to ensure that minority group members and women are afforded equal employment opportunities without discrimination. For purposes of this article, such steps shall include recruitment, employment, job assignments, promotion, upgrading, demotion, transfer, layoff, or termination and rates of pay or other forms of compensation;
2. at the request of the County, the contractor shall request each employment agency, labor union, or authorized representative of workers with which it has a collective bargaining or other agreement or understanding to furnish a written statement that such employment agency, labor union, or representative will not discriminate on the basis of race, creed, color, national origin, sex, age, disability, sexual orientation, military status, or marital status and that such union or representative will affirmatively cooperate in the implementation of the contractor's obligations herein; and
3. the contractor shall state, in all solicitations or advertisements for employees, that, in the performance of the County contract, all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability, sexual orientation, military status, or marital status.

B. The contractor shall include the provisions of Subsection A of this section in every subcontract in such a manner that the provisions will be binding upon each subcontractor as to all work done in connection with the County contract.

C. The provisions of this section shall not be binding upon contractors or subcontractors in the performance of work or the provision of services or any other activities that are unrelated, separate, or distinct from the County contract as expressed by its terms.

D. In the implementation of this section, the County shall consider compliance by a contractor or subcontractor with the requirements of any federal and state law concerning equal employment opportunity, which effectuates the purposes of this section. The County shall determine whether the imposition of the requirements of the provisions hereof duplicate or conflict with any such law, and if such duplication or conflict exists, the County shall waive the applicability of this section to the extent of such duplication or conflict.

**§ 26-9. Requirements**

A. The Director, in conjunction with the Committee, shall promulgate rules and regulations that provide measures and procedures to ensure that certified businesses shall be given the opportunity for meaningful participation in the performance of County contracts. Such rules shall require the County to identify those County contracts for which certified businesses are most likely to be available and may set forth additional requirements for outreach to minority businesses particularly with regard to such contracts. Nothing in the provisions of this article shall be construed to limit the ability of any certified business to bid on any contract.

B. The County shall include or require to be included with respect to County contracts for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon, requests for proposals (RFPs), and any other applicable County contracts, such provisions as may be necessary to effectuate the provisions of this article, including but not limited to provisions:

1. requiring contractors to use best efforts to solicit active participation by enterprises identified in the directory of certified businesses provided to the County by the Office; and
2. requiring the parties to agree, as a condition of entering into such contract, to be bound by the provisions of § 26-8 of this article; provided, however, that no such provisions shall be binding upon contractors or in the performance of work or the provision of services that are unrelated, separate or distinct from the County contract as expressed by its terms, and nothing in this section shall authorize the Director or any contracting agency to impose any requirement on a contractor except with respect to a County contract.

C. All requests for proposals, requests for qualifications, and expressions of interest issued by the County shall include approach to minority and women-owned business enterprise utilization in the selection criteria, and shall state that minority and women-owned business enterprise utilization will be used as selection criteria and rated in compliance with the Monroe County Department of Finance - Division of Purchasing and Central Service's Procedure for Service Contracts.

D. In the implementation of this section, the County shall consider compliance with the requirements of any federal or state law concerning opportunities for minority and women-owned business enterprises which effectuate the purpose of this section. The County shall determine whether the imposition of the requirements of any such law duplicate or conflict with the provisions hereof, and if such duplication or conflict exists, the County may waive the applicability of this article to the extent of such duplication or conflict.

#### § 26-10. Rules for Utilization of Subcontractors.

A. The Director, in conjunction with the Committee, shall promulgate rules and regulations requiring that all contractors use best efforts to achieve participation in subcontracting by minority and women-owned business enterprises in accordance with goals set by § 26-7 to enhance opportunity for minority and women-owned businesses to reflect the percentage of minority and women-owned businesses available to perform such work.

B. The County shall administer the rules and regulations promulgated by the Director, in conjunction with the Committee, to ensure compliance with the provisions of this section.

1. Such rules and regulations shall require that:
  - a. a contractor submit a utilization plan after bids are opened, when bids are required, or in a contractor's response to an RFP;
  - b. in all cases, prior to the award of a County contract, the County shall review the utilization plan submitted by the contractor within a reasonable period of time, as established by the Director;
  - c. the County notify the contractor in writing within a period of time specified by the Director as to any deficiencies contained in the contractor's utilization plan, as well as the permissible time period within which to cure such deficiencies;

- d. the contractor submit periodic compliance reports relating to the operation and implementation of any utilization plan; and
- e. the County file a complaint with the Director, or the Committee, in the event a contractor is failing or has failed to comply with the minority- and women-owned business enterprise participation requirements set forth in the County contract and no waiver has been granted pursuant to Subsections E and F of this section.

2. Such rules and regulations shall allow a contractor to:

- a. apply for a partial or total waiver of the minority and women-owned business enterprise participation requirements pursuant to Subsections E and F of this section.
- b. file a complaint with the Director, or the Committee, in the event the County has failed or refused to issue a waiver of the minority and women owned business enterprise participation requirements or has denied such request for a waiver.

C. The rules and regulations promulgated pursuant to this section regarding a utilization plan shall provide that where enterprises have been identified within a utilization plan, a contractor shall use best efforts to utilize such enterprise at least to the extent indicated. The County may require a contractor to indicate, within a utilization plan, what measures and procedures he or she intends to take to comply with the provisions of this article, but may not require, as a condition of award of or compliance with a contract, that a contractor utilize a particular enterprise in performance of the contract.

D. Without limiting other grounds for the disqualification of bids or proposals on the basis of nonresponsibility, the County may disqualify the bid or proposal of a contractor as being nonresponsible for failure to remedy noted deficiencies in the contractor's utilization plan within a period of time specified in regulations promulgated by the Director, in conjunction with the Committee, after receiving notification of such deficiencies from the County. Where failure to remedy any noted deficiency in the utilization plan is a ground for disqualification, that issue and all other grounds for disqualification shall be stated in writing by the County. Where the County states that a failure to remedy any noted deficiency in the utilization plan is a ground for disqualification, the contractor shall be entitled to an administrative hearing, on a record, involving all grounds stated by the County. Such hearing shall be conducted by the appropriate authority of the County to review the determination of disqualification. A final administrative determination made following such hearing shall be reviewable in accordance with law.

E. Where it appears that a contractor, after making its best efforts, cannot comply with the minority and women-owned business enterprise participation requirements set forth in a particular County contract, a contractor may file a written application with the County requesting a partial or total waiver of such requirements setting forth the reasons for the contractor's inability to meet any or all of the participation requirements and an explanation of the efforts undertaken, by the contractor to obtain the required minority and women-owned business enterprise participation. In implementing the provisions of this section, the County shall consider the number and types of minority and women-owned business located in the County, the total dollar value of the County contract, the scope of work to be performed and the project size and term. Based on such considerations, if the County determines there is not a reasonable availability of contractors on the list of certified businesses to furnish services for the project, it shall issue a waiver of compliance to the contractor. In making such determination, the County shall first consider the availability of other business enterprises located in the County and shall thereafter consider the financial ability of certified businesses located in the County to perform the County contract.

F. For purposes of determining if a contractor has used best efforts to comply with the requirements of this section or is entitled to a waiver, the County shall consider:

1. Whether the contractor has advertised in general circulation media, trade association, and minority-focus, women-focus, and in such event:
  - a. whether or not certified businesses which have been solicited by the contractor exhibited interest in submitting proposals for a particular project by attending a pre-bid conference; and
  - b. whether certified businesses which have been solicited by the contractor have responded in a timely fashion to the contractor's solicitations for timely competitive bid quotations prior to the County's bid date; and
2. Whether there has been written notification to appropriate certified businesses that appear in the directory of certified businesses prepared pursuant to § 26-5 of this article; and
3. Whether the contractor can reasonably structure the amount of work to be performed under subcontracts in order to increase the likelihood of participation by certified businesses.

G. In the event that the County fails or refuses to issue a requested waiver to a contractor within 30 days of the application therefor pursuant to Subsection E. of this section, or if the County denies such application in whole or in part, the contractor may file a complaint with the Director, or the Committee, setting forth the facts and circumstances giving rise to the contractor's complaint together with a demand for relief. The contractor shall serve a copy of such complaint upon the County by personal service or by certified mail, return receipt requested. The County shall be afforded an opportunity to respond to such in writing.

H. If, after the review of a contractor's utilization plan or review of a periodic compliance report and after such contractor has been afforded an opportunity to respond to a notice of deficiency issued by the County in connection therewith, it appears that a contractor is failing or refusing to comply with minority and women-owned business enterprise participation requirements as set forth in the County contract and where no waiver from such requirements has been granted, the County may file a written complaint with the Director, or the Committee, setting forth the facts and circumstances giving rise to the County's complaint together with a demand for relief. The County shall serve a copy of such complaint upon the contractor by personal service or by certified mail, return receipt requested. The contractor shall be afforded an opportunity to respond to such complaint in writing

#### § 26-11. Enforcement

Upon receipt of a complaint by that a contractor has violated the provisions of a County contract, which have been included to comply with the provisions of this article, the Director, in conjunction with the Committee, shall attempt to resolve the matter giving rise to such complaint within 30 days of receipt of the complaint. If efforts to resolve such matter to the satisfaction of all parties are unsuccessful, the matter shall be immediately referred to the Department of Law for appropriate action, including, but not limited to, withholding payment due under the contract, or cancellation, termination or suspension of the contract in whole or in part.

#### § 26-12. Report

The County Executive, or their designee, shall file a report with the County Legislature no later than April 1st of each year, which details the levels of participation for minority and women-owned business enterprise businesses in County contracts for the prior year. The report shall include the name of each project funded, the total dollars spent for the project, and total dollars spent with minority and women-owned businesses, respectively.

**§ 26-13. Severability.**

If any clause, sentence, paragraph, section or article of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such determination shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or article thereof directly involved in the proceeding in which such adjudication shall have been rendered.

Section 3. This local law shall take effect sixty-days after filing with the Secretary of State pursuant to Section 27 of the New York State Municipal Home Rule Law.

Agenda/Charter Committee – Discharged to Legislature  
File No. 20-0340.LL

By Legislator Flagler-Mitchell and Felder

Intro No. 193

MOTION NO. 49 OF 2021

**PROVIDING THAT LOCAL LAW (INTRO. NO. 192 OF 2021, ENTITLED "GANTT'S LAW FOR UTILIZATION OF MINORITY AND WOMEN-OWNED BUSINESSES," BE AMENDED**

BE IT MOVED, that Local Law (Intro. No. 192 of 2021), entitled "GANTT'S LAW FOR UTILIZATION OF MINORITY AND WOMEN-OWNED BUSINESSES," be amended as follows:

Section 2. Part III, Administrative Local Laws of the Administrative Code and Charter of Monroe County, is hereby amended to add a new chapter to include the following Local Law:

**CHAPTER 26, UTILIZATION OF MINORITY AND WOMEN-OWNED BUSINESSES**

§ 26-1. **Title.**

This chapter shall be known as the "Gantt's Law."

§ 26-2. **Legislative Intent.**

- A. This Legislature hereby finds and determines that a need exists within the County of Monroe to recognize and encourage the growth of business enterprises that are owned and operated by women and minorities.
- B. This Legislature also finds business enterprises that are owned and operated by women and minorities have struggled to achieve equitable representation in procurement by the County of Monroe.
- C. This Legislature also finds that previous policies enacted by the County of Monroe regarding business enterprises that are owned and operated by women and minorities only pertained to construction activities.
- D. This Legislature also finds that the County's economy will benefit from the utilization by the County of business enterprises that are owned and operated by women and minorities.
- E. This Legislature further finds that both the state and federal governments have instituted programs that facilitate participation in government contracts by business enterprises that are owned and operated by women and minorities.
- F. Therefore, the purpose of this ~~article~~chapter is to ensure that minority- and women-owned business enterprises have sufficient opportunity to participate both directly and indirectly in contracting opportunities with Monroe County.

§ 26-3. **Purpose.**

The purpose of this section is to promote and encourage the utilization of minority and women-owned business enterprises in procurement by the County of Monroe and establish clear guidelines for what constitutes a minority and women-owned business enterprise, create a directory of minority and women-owned business enterprises, expand the use of minority and women-owned business enterprises in all areas of County

procurement, institute reporting guidelines, conduct training for minority and women-owned business enterprises, and set new goals for the use of minority and women-owned business enterprises in County procurement.

§ 26-4. **Definitions.** As used in this section:

A. **Certified Business** – shall mean a business verified as a minority ~~and/or~~ women-owned business enterprise pursuant to § 26-5 of this ~~article~~ chapter and/or a business certified by New York State pursuant to Article 15-a of the New York State Executive Law.

B. **Committee** – shall mean the Diversity Action Plan Advisory Committee established in accordance with Resolution 212 of 2020.

C. **Contractor** – shall mean an individual, a business enterprise, including a sole proprietorship, a partnership, a corporation, ~~a not-for-profit corporation,~~ or any other party to a County contract, or a bidder in conjunction with the award of a County contract or a proposed party to a County contract.

D. **County** – shall mean any County department; or any agency, division, board, office, elected official, commission or bureau of the County or of any County department.

E. **County Contract** – shall mean:

~~1. a written agreement or purchase order instrument, providing~~ Purchase contracts, including contracts for a total expenditure service work, let by the County in excess of fifteen ~~thousand dollars, whereby the County is committed to expend or does expend funds in return,~~

~~1. Contracts for labor, services, supplies, equipment, materials or any combination of the foregoing, to be performed for, or rendered or furnished to~~ public works let by the County;

~~2. a written agreement in excess of sixty thousand dollars whereby,~~

~~2.3. Contracts for professional services let by the County is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon; in excess of twenty thousand dollars.~~

For the purposes of this section: (1) the term "services" "service" shall not include banking relationships, the issuance of insurance policies or contracts, or contracts with the County for the sale of bonds, notes or other securities, and (2) the term "contract" shall not include contracts or other agreements with a municipal corporation, school district, district corporation, board of cooperative educational services, utility, not-for-profit corporation, or publicly traded company.

~~G.F.~~ **Director** – shall mean the Director of Diversity, Equity and Inclusion – Chief Diversity Officer.

~~H.G.~~ **Minority Group Members** – shall mean a United States citizen or permanent resident alien who has and can demonstrate membership in one of the following groups:

a. Black persons having origins in any of the Black African racial groups;

b. Hispanic persons of Mexican, Puerto Rican, Dominican, Cuban, Central or South American ~~Descent~~ descent of either Indian or Hispanic origin, regardless of race;



- c. Native American or Alaskan native persons having origins in any of the original peoples of North America;
- d. Asian and Pacific Islander persons having origins in any of the Far East countries, South East Asia, the Indian subcontinent or the Pacific Islands.

~~I.~~ I. ~~Minority-Owned Business Enterprise~~ – shall mean a business enterprise, including a sole proprietorship, partnership, ~~limited liability company~~, or corporation that is:

1. at least fifty-one percent owned by one or more minority group members;
2. an enterprise in which such minority ownership is real, substantial, and continuing;
3. an enterprise in which such minority ownership has and exercises the authority to control independently the day-to-day business decisions of the enterprise; and
4. an enterprise authorized to do business in the State of New York state and independently owned and operated.

~~J.~~ J. ~~Office~~ – shall mean the Monroe County Department of Diversity, Equity and Inclusion.

~~K.~~ K. ~~Subcontract~~ - shall mean an agreement providing for a total expenditure in excess of fifteen thousand dollars for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon between a contractor and any individual or business enterprise, including a sole proprietorship, partnership, ~~corporation~~ limited liability company, or ~~not-for-profit~~ corporation, in which a portion of a contractor's obligation under a County contract is undertaken or assumed, but shall not include any construction, demolition, replacement, major repair, renovation, planning or design of real property or improvements thereon for the beneficial use of the contractor.

~~L.~~ L. ~~Utilization Plan~~ - shall mean a plan prepared by a contractor and submitted in connection with a proposed County contract. The utilization plan shall identify certified ~~minority and women-owned business enterprise businesses~~, if known, that have committed to perform work in connection with the proposed County contract as well as any such ~~enterprises~~ certified businesses, if known, which the contractor intends to use in connection with the contractor's performance of the proposed County contract. The plan shall specifically contain a list, including the name, address and telephone number, of each certified ~~enterprise~~ business with which the contractor intends to subcontract.

~~M.~~ M. ~~Women-Owned Business Enterprise~~ – shall mean a business enterprise, including a sole ~~Proprietorship~~ proprietorship, partnership, ~~limited liability company~~, or corporation that is:

1. at least fifty-one percent owned by one or more United States citizens or permanent resident aliens who are women;
2. an enterprise in which the ownership interest of such women is real, substantial, and continuing;
3. an enterprise in which such women ownership has and exercises the authority to control independently the day-to-day business decisions of the enterprise; and
4. an enterprise authorized to do business in the State of New York state and independently

owned and operated.

#### § 26-5. Certification.

A. The Director, in ~~conjunction~~consultation with the Committee, shall promulgate rules and regulations providing for the establishment of a ~~Countywide~~County-wide certification program, including rules and regulations governing the approval, denial, or revocation of any such certification. ~~Such rules and regulations shall include, but not be limited to, such matters as may be required to ensure that the established procedures thereunder shall at least be in compliance with the code of fair procedure set forth in § 73 of the New York Civil Rights Law. The Director shall accept all businesses having or awaiting certification by a state agency.~~

B. For the purposes of this ~~article~~chapter, the Office shall be responsible for verifying businesses ~~applying for or certified under the County-wide certification program~~ as being owned, operated, and controlled by minority group members or women and for certifying such verified businesses ~~or may refer such process to an appropriate state agency.~~ The Director shall prepare a directory of certified businesses for use by the County and contractors in carrying out the provisions of this ~~article~~chapter. The Director shall periodically update the directory and make it publically available on the County's website. ~~In the event a business certified under the County-wide certification program ceases to qualify as a minority- and/or women-owned business, the Office shall revoke its certification and send written notice of such revocation to the business.~~

C. Following application for certification pursuant to this section, the Director shall provide the applicant with written notice of the status of the application, including notice of any outstanding deficiencies, within 30 days. Within 60 days of submission of a final, completed application, the Director shall provide the applicant with written notice of a determination by the Office approving or denying such certification and, in the event of a denial, a statement setting forth the reasons for such denial.

~~C.D.~~ Upon a determination denying or revoking certification, the business enterprise for which certification has been so denied or revoked shall, upon written request made within 30 days from receipt of notice of such determination, be entitled to a hearing before the Committee. ~~The business enterprise shall serve a copy of such request upon the Director and the Committee by personal service or by certified mail, return receipt requested.~~ In the event that a request for a hearing is not made within such thirty-day period, such determination shall be deemed to be final. The Committee shall conduct a hearing and, upon the conclusion of such hearing, issue a written recommendation to the Director to affirm, reverse, or modify such determination of the ~~Director~~Office. Such written recommendation shall be issued to the applicant and the Director. The Director, within 30 days, shall, by order, accept, reject, or modify such recommendation of the Committee and set forth in writing the reasons therefor. The Director shall serve a copy of such order and reasons therefor upon the business enterprise by personal service or by certified mail, return receipt requested.

#### § 26-6. Annual Workshop

The Office shall hold an annual workshop for potential minority and women-owned business enterprise applicants and certified businesses for the purpose of educating and informing participants about the County's procurement processes and reviewing upcoming procurement opportunities, including but not limited to the Capital Improvement Plan. The workshop shall include all relevant information to allow potential bidders to understand, navigate, and compete in the County's procurement process.

#### § 26-7. Goals

The County hereby sets the following goals ~~effective as of January 1, 2022~~ for ~~maintaining~~ensuring the full and equitable participation ~~of~~ minority and women-owned business enterprises:

A. the County shall have a ~~level of participation~~ goal of twelve (12) percent ~~for minority-owned business enterprises~~ of the total value of County contracts in a given year ~~for minority-owned business enterprises that are certified businesses;~~

B. the County shall have a ~~level of participation~~ goal of three (3) percent ~~for women-owned business enterprises~~ of the total value of County contracts in a given year ~~for women-owned business enterprises that are certified businesses;~~ and

C. the above stated goals shall coincide with the County's good faith efforts to utilize local labor and create local jobs through County contracts.

**§ 26-8. Equal Employment Opportunities for Minority Group Members and Women:**

A. All County contracts and all documents soliciting bids or proposals for County contracts shall contain or make reference to the following provisions ~~as a condition of entering into a County contract:~~

1. the contractor shall not discriminate against employees or applicants for employment because of race, creed, color, national origin, sex, age, disability, sexual orientation, military status, or marital status, and will undertake or continue taking steps to ensure that minority group members and women are afforded equal employment opportunities without discrimination. For purposes of this ~~article~~chapter, such steps shall include recruitment, employment, job assignments, promotion, upgrading, demotion, transfer, layoff, or termination and rates of pay or other forms of compensation;
2. at the request of the County, the contractor shall request each employment agency, labor union, or authorized representative of workers with which it has a collective bargaining or other agreement or understanding to furnish a written statement that such employment agency, labor union, or representative will not discriminate on the basis of race, creed, color, national origin, sex, age, disability, sexual orientation, military status, or marital status and that such union or representative will affirmatively cooperate in the implementation of the contractor's obligations herein; and
3. the contractor shall state, in all solicitations or advertisements for employees, that, in the performance of the County contract, all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability, sexual orientation, military status, or marital status.

B. The contractor shall include the provisions of Subsection A of this section in every subcontract in such a manner that the provisions will be binding upon each subcontractor as to all work done in connection with the County contract.

C. The provisions of this section shall not be binding upon contractors or subcontractors in the performance of work or the provision of services or any other activities that are unrelated, separate, or distinct from the County contract as expressed by its terms.

D. In the implementation of this section, the County shall consider whether compliance by a contractor or subcontractor with the requirements of any federal and state law concerning equal employment opportunity ~~which~~ effectuates the purposes of this section. The County shall determine whether the imposition of the requirements of the provisions hereof duplicate or conflict with any such law, and if such duplication or conflict exists, the County shall waive the applicability of this section to the extent of such duplication or conflict.

## § 26-9. Requirements

A. The Director, in ~~conjunction~~consultation with the Committee, shall promulgate rules and regulations that provide measures and procedures to ensure that certified businesses shall be given the opportunity for meaningful participation in the performance of County contracts. Such rules shall require the County to identify those County contracts for which certified businesses are most likely to be available and may set forth additional requirements for outreach to minority ~~businesses~~ and women-owned business enterprises particularly with regard to such contracts. Nothing in the provisions of this ~~article~~chapter shall be construed to limit the ability of any certified business to bid on any contract.

~~C. The County shall include or require to be included with respect to County contracts for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon, requests for proposals (RFPs), and any other applicable County contracts, such provisions as may be necessary to effectuate the provisions of this article, including but not limited to provisions:~~

- ~~1. requiring contractor to use best efforts to solicit active participation by enterprises identified in the directory of certified businesses provided to the County by the Office; and~~
- ~~2. requiring the parties to agree, as a condition of entering into such contract, to be bound by the provisions of § 26-8 of this article; provided, however, that no such provisions shall be binding upon contractors or in the performance of work or the provision of services that are unrelated, separate or distinct from the County contract as expressed by its terms, and nothing in this section shall authorize the Director or any contracting agency to impose any requirement on a contractor except with respect to a County contract.~~

~~D.B.~~ All requests for proposals, requests for qualifications, and expressions of interest issued by the County ~~for County contracts~~ shall include approach to minority and women-owned business enterprise utilization in the selection criteria, and shall state that minority and women-owned business enterprise utilization will be used as selection criteria and rated in compliance with the Monroe County Department of Finance - Division of Purchasing and Central Service's Procedure for Service Contracts.

~~H.C.~~ In the implementation of this section, the County shall consider ~~whether~~ compliance with the requirements of any federal or state law concerning opportunities for minority and women-owned business enterprises ~~which effectuate~~effectuates the purpose of this section. The County shall determine whether the imposition of the requirements of any such law duplicate or conflict with the provisions hereof, and if such duplication or conflict exists, the County may waive the applicability of this ~~article~~chapter to the extent of such duplication or conflict.

## § 26-10. Rules for Utilization of Subcontractors

A. The Director, in ~~conjunction~~consultation with the Committee, shall promulgate rules and regulations requiring that all contractors use best efforts to achieve participation in subcontracting when applicable, by minority and women-owned business enterprises in accordance with goals set by § 26-7 to enhance opportunity for minority and women-owned businesses to reflect the percentage of minority and women-owned businesses available to perform such work.

B. The County shall administer the rules and regulations promulgated by the Director, in ~~conjunction~~consultation with the Committee, to ensure compliance with the provisions of this section. Such rules and regulations shall require that, when it is in the County's interest to permit subcontracting:

~~1. Such rules and regulations shall require that:~~

- ~~1. contractors shall use best efforts to solicit active participation by enterprises identified in the directory of certified businesses provided to the County by the Director;~~
- ~~#2. a contractor shall submit a utilization plan after bids are opened, when bids are required, or in a contractor's response to an RFP;~~
- ~~#3. in all cases, prior to the award of ~~the~~ County contract, the County shall review the utilization plan submitted by the contractor within a reasonable period of time, as established by the Director;~~
- ~~e-1. the County shall notify the contractor in writing within a period of time specified by the Director as to any deficiencies contained in the contractor's utilization plan, as well as the permissible time period within which to cure such deficiencies;~~
- ~~#5. the contractor shall submit periodic compliance reports relating to the operation and implementation of any utilization plan; and~~
- ~~e. the County file a complaint with the Director, or the Committee, in the event a contractor is failing or has failed to comply with the minority and women-owned business enterprise participation requirements set forth in the County contract and no waiver has been granted pursuant to Subsections E and F of this section;~~

~~2. Such rules and regulations shall allow a contractor to:~~

- ~~a. apply for a partial or total waiver of the minority and women-owned business enterprise participation requirements pursuant to Subsections E and F of this section;~~
  - ~~b. file a complaint with the Director, or the Committee, in the event the County has failed or refused to issue a waiver of the minority and women-owned business enterprise participation requirements or has denied such request for a waiver;~~
- ~~E-6. The rules and regulations promulgated pursuant to this section regarding a utilization plan shall provide that where enterprises where certified businesses have been identified within a utilization plan, a contractor shall use best efforts to utilize such enterprise/certified businesses at least to the extent indicated. The County may require a contractor to indicate, within a utilization plan, what measures and procedures he or she intends to take to comply with the provisions of this article, but may not require, as a condition of award of or compliance with a contract, that a contractor utilize a particular enterprise in performance of the contract chapter.~~

#### § 26-11. Disqualification of Bid or Proposal

D. Without limiting other grounds for the disqualification of bids or proposals on the basis of ~~nonresponsiveness and/or nonresponsibility~~, the County may disqualify the bid or proposal of a contractor as being ~~nonresponsive and/or nonresponsible for failure to provide a utilization plan and/or remedy noted deficiencies in the contractor's utilization plan within a period of time specified in regulations promulgated by the Director, in conjunction with the Committee, after receiving notification of such deficiencies from the County. Where failure to remedy any noted deficiency in the utilization plan is a ground for disqualification, that issue and all other grounds for disqualification shall be stated in writing by the County. Where the County states that a failure to remedy any noted deficiency in the utilization plan is a ground for disqualification, the contractor shall be entitled to an administrative hearing on a record, involving all grounds stated by the County. Such hearing shall be conducted by the appropriate authority of the County to review the determination of~~

~~disqualification. A final administrative determination made following such hearing shall be reviewable in accordance with law consultation with the Committee, after receiving notification of such failure and/or deficiencies from the County.~~

#### § 26-12. Waiver

~~It~~ A. Where it appears that a contractor, after making its best efforts, cannot comply with ~~the~~ minority and women-owned business enterprise participation requirements set forth in a particular County contract, a contractor may file a written application with the ~~County~~ Director requesting a partial or total waiver of such requirements setting forth the reasons for the contractor's inability to meet any or all of the participation requirements and an explanation of the efforts undertaken by the contractor to obtain the required ~~minority and women-owned business enterprise participation~~ of certified businesses. In implementing the provisions of this section, the ~~County~~ Director shall consider the number and types of ~~minority and women-owned business~~ certified businesses located in the County, the total dollar value of the County contract, the scope of work to be performed, and the project size and term. Based on such considerations, if the ~~County~~ Director determines there is not a reasonable availability of contractors on the list of certified businesses to furnish services for the project, ~~it shall~~ the Director may issue a waiver of compliance to the contractor. ~~In making such determination, the County shall first consider the availability of other business enterprises located in the County and shall thereafter consider the financial ability of certified businesses located in the County to perform the County contract.~~

~~It~~ B. For purposes of determining if a contractor has used best efforts to comply with the requirements of this section or is entitled to a waiver, the ~~County~~ Director shall consider:

1. Whether the contractor has advertised in general circulation media, trade association publications, and ~~minority focus~~ /or publications focused on minorities or women ~~focus~~, and in such event:
  - a. whether or not certified businesses which have been solicited by the contractor exhibited interest in submitting proposals for a particular project by attending a pre-bid conference; and
  - b. whether certified businesses which have been solicited by the contractor have responded in a timely fashion to the contractor's solicitations for timely competitive bid quotations prior to the County's bid date; and
2. Whether there has been written notification to appropriate certified businesses that appear in the directory of certified businesses prepared pursuant to § 26-5 of this ~~article~~ chapter; and
3. Whether the contractor can reasonably structure the amount of work to be performed under subcontracts in order to increase the likelihood of participation by certified businesses.

~~It~~ C. In the event that the ~~County~~ Director fails or refuses to issue a requested waiver to a contractor within 30 days of the application therefor pursuant to ~~Subsection B~~ of this section, or if the ~~County~~ Director denies such application in whole or in part, the contractor may file a ~~complaint~~ appeal with the Director, ~~or the Committee~~, setting forth the facts and circumstances giving rise to the contractor's ~~complaint~~ together with a demand for relief ~~appeal~~. The contractor shall serve a copy of such ~~complaint~~ appeal upon the ~~County~~ Director and the ~~Committee~~ by personal service or by certified mail, return receipt requested. The ~~County~~ Director shall be afforded an opportunity to respond to ~~such~~ the appeal in writing. The ~~Committee~~ shall render its decision on the appeal within 30 days of being served with the appeal.

#### § 26-13. Enforcement

H. ~~If, after the review of a contractor's utilization plan upon receipt of a complaint that a contractor has violated this chapter, including but not limited to a failure or review of a periodic compliance report and after such contractor has been afforded an opportunity to respond to a notice of deficiency issued by the County in connection therewith, it appears that a contractor is failing or refusing refusal to comply with minority and women-owned business enterprise participation requirements as set forth in the County contract and where no waiver from such requirements has been granted, the County may file a written complaint with the Director or the Committee, shall send a notice of such deficiency to said contractor setting forth the facts and circumstances giving rise to the County's complaint together with a demand for relief. The County shall serve a copy of such complaint upon. If the contractor by personal service or by certified mail, return receipt requested. The contractor fails to cure or otherwise address the complaint within fifteen (15) days of receiving notice thereof, the County shall be afforded an opportunity to respond to such complaint in writing.~~

#### ~~§ 26-11. Enforcement~~

~~Upon receipt of a complaint by that a contractor has violated the provisions of a County contract, which have been included to comply with the provisions of this article, the Director, in conjunction with the Committee, shall attempt to resolve the matter giving rise to such complaint within 30 days of receipt of the complaint. If efforts to resolve such matter to the satisfaction of all parties are unsuccessful, the matter shall be immediately referred to the Department of Law for appropriate action, including, but not limited to, withholding payment due under the contract, or cancellation, termination or suspension of the right to cancel, terminate, or suspend the contract in whole or in part, and/or seek any other remedy afforded to the County in law or in equity.~~

#### ~~§ 26-12~~ 14. Report

The County Executive, or their designee, shall file a report with the County Legislature no later than April 1st of each year, which details the levels of participation for ~~minority and women-owned business enterprise~~ certified businesses in County contracts for the prior year. The report shall include the name of each project funded County contract, the total dollars spent/paid value for the project each contract, and total dollars spent with minority and women-owned certified businesses, respectively.

#### ~~§ 26-13~~ 15. Severability:

If any clause, sentence, paragraph, section or ~~article~~ chapter of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such determination shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or ~~article~~ chapter thereof directly involved in the proceeding in which such adjudication shall have been rendered. This local law shall not supersede any other state or federal laws, rules, or contractual obligations that exceed the goals set forth under § 26-7.

Agenda/Charter Committee – Discharged to Legislature  
File No. 20-0340.LL

ADOPTION: Date: May 11, 2021

Vote: 29-0

By Legislators Flagler-Mitchell and Felder

Intro. No. 194

MOTION NO. 50 OF 2021

**PROVIDING THAT LOCAL LAW (INTRO. NO. 192 OF 2021), ENTITLED “GANTT’S LAW FOR UTILIZATION OF MINORITY AND WOMEN-OWNED BUSINESSES,” BE TABLED**

BE IT MOVED, that Local Law (Intro. No. 192 of 2021), entitled “**GANTT’S LAW FOR UTILIZATION OF MINORITY AND WOMEN-OWNED BUSINESSES,**” be tabled.

File No. 20-0340.LL

ADOPTION: Date: May 11, 2021      Vote: 29-0



By Legislators Flagler-Mitchell and Felder

Intro. No. 195

RESOLUTION NO. 140 OF 2021

**FIXING A PUBLIC HEARING ON LOCAL LAW (INTRO. NO. 192 OF 2021), ENTITLED  
"GANTT'S LAW FOR UTILIZATION OF MINORITY AND WOMEN-OWNED BUSINESSES"**

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

Section 1. That there will be a public hearing at 6:17 P.M. on the 8th day of June, 2021, in the Legislative Chambers in the County Office Building, Rochester, New York on Local Law (Intro. No. 192 of 2021), entitled **"GANTT'S LAW FOR UTILIZATION OF MINORITY AND WOMEN-OWNED BUSINESSES"**

Section 2. The Clerk of the Legislature is directed to give notice of the time and place of this public hearing, and a description of the proposed local law, to the news media within the County, and shall conspicuously post a copy of said notice in the office of the Clerk at least five days before said hearing. In addition, the Clerk shall cause said notice to be published once in the official newspapers of general circulation within the County at least five days before said hearing.

Section 3. This resolution shall take effect immediately.

Agenda/Charter Committee – Discharged to Legislature  
File No. 20-0340.LL

ADOPTION: Date: May 11, 2021      Vote: 29-0

By Legislators Morelle and Barnhart

Intro. No. 196

MOTION NO. 51 OF 2021

**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.

FAILED: Date: May 11, 2021

Vote: 9-20

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

By Legislators Dondorfer and Delehanty

Intro. No. 197

RESOLUTION NO. 141 OF 2021

**ACCEPTING GRANT FROM FEDERAL AVIATION ADMINISTRATION (CORONAVIRUS RESPONSE AND RELIEF SUPPLEMENTAL APPROPRIATIONS ACT GRANT PROGRAM) RELATED TO OPERATION AND MAINTENANCE OF THE FREDERICK DOUGLASS – GREATER ROCHESTER INTERNATIONAL AIRPORT**

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

Section 1. The County Executive, or his designee, is hereby authorized to accept a \$5,113,191 grant from, and to execute a contract and any amendments thereto with, the Federal Aviation Administration (Coronavirus Response and Relief Supplemental Appropriations Act Grant Program) for payment of expenses needed to operate and maintain the Frederick Douglass – Greater Rochester International Airport.

Section 2. The County Executive is hereby authorized to appropriate any subsequent years of the grant award in accordance with the grant terms, to reappropriate any unencumbered balances during the grant period according to the grantor requirements, and to make any necessary funding modifications within the grant guidelines to meet contractual commitments.

Section 3. Should funding of this program be modified or terminated for any reason, the County Executive is hereby authorized to terminate or modify the program and, where applicable, to terminate or abolish some or all positions funded under such program. Any termination or abolishment of positions shall be in accordance with New York State Civil Service Law and, when applicable, the terms of any labor agreement affecting such positions.

Section 4. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0130

ADOPTION: Date: May 11, 2021      Vote: 29-0

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: *Cheryl Bell* DATE: 5/21/2021

EFFECTIVE DATE OF RESOLUTION: 5/21/2021

By Legislators Yudelson, Delehanty and Ancello

Intro. No. 198

RESOLUTION NO. 142 OF 2021

**AUTHORIZING CONTRACT WITH ENERGY IMPROVEMENT CORPORATION TO ADMINISTER ENERGIZE NY OPEN C-PACE PROGRAM**

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

Section 1. The County Executive, or his designee, is hereby authorized to execute a contract, and any amendments thereto, with Energy Improvement Corporation, or any subsidiary or successor, to administer the Open C-PACE program for a period of ten (10) years commencing on or about July 1, 2021, with the option to renew for two (2) additional five-year terms.

Section 3. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

File No. 21-0131

ADOPTION: Date: May 11, 2021      Vote: 29-0

ACTION BY THE COUNTY EXECUTIVE

APPROVED: ✓      VETOED: \_\_\_\_\_

SIGNATURE: *Cheryl Bell*      DATE: 5/21/2021

EFFECTIVE DATE OF RESOLUTION: 5/21/2021

By Legislators Dondorfer and Delehanty

Intro. No. 199

RESOLUTION NO. 143 OF 2021

**AUTHORIZING CONTRACTS WITH TESTA CONSTRUCTION INC., POSTLER & JAECKLE CORP., LANDRY MECHANICAL CONTRACTORS INC., AND BILLITIER ELECTRIC, INC. FOR MONROE COMMUNITY COLLEGE FINGER LAKES WORKFORCE DEVELOPMENT CENTER PROJECT**

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

Section 1. The County Executive, or his designee, is hereby authorized to execute a contract with Testa Construction Inc. in the amount of \$2,412,500 for general construction for the Monroe Community College Finger Lakes Workforce Development Center Project, and any amendments necessary to complete the project within the total capital fund(s) appropriation.

Section 2. The County Executive, or his designee, is hereby authorized to execute a contract with Postler & Jaeckle Corp. in the amount of \$483,700 for plumbing construction for the Monroe Community College Finger Lakes Workforce Development Center Project, and any amendments necessary to complete the project within the total capital fund(s) appropriation.

Section 3. The County Executive, or his designee, is hereby authorized to execute a contract with Landry Mechanical Contractors Inc. in the amount of \$1,968,700 for mechanical and heating, ventilation, and air conditioning construction for the Monroe Community College Finger Lakes Workforce Development Center Project, and any amendments necessary to complete the project within the total capital fund(s) appropriation.

Section 4. The County Executive, or his designee, is hereby authorized to execute a contract with Billitier Electric, Inc. in the amount of \$1,318,100 for electrical construction for the Monroe Community College Finger Lakes Workforce Development Center Project, and any amendments necessary to complete the project within the total capital fund(s) appropriation.


Section 5. Funding for this project, consistent with authorized uses, is included in capital fund 1939 and any capital fund(s) created for the same intended purpose.

Section 6. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0132

ADOPTION: Date: May 11, 2021      Vote: 29-0

ACTION BY THE COUNTY EXECUTIVE

APPROVED:  VERIFIED: \_\_\_\_\_  
SIGNATURE: \_\_\_\_\_ DATE: 5/12/21  
EFFECTIVE DATE OF RESOLUTION: 5/12/21

By Legislators Dondorfer and Delehanty

Intro. No. 200

**AMENDING 2021-2026 CAPITAL IMPROVEMENT PROGRAM TO ADD PROJECT ENTITLED  
"SPACE UTILIZATION AND RENOVATION OF CITYPLACE"**

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

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

Section 2. Funding for this project, consistent with authorized uses, will be included in the capital fund to be created and any other capital fund(s) created for the same intended purpose.

Section 3. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 26-2  
File No. 21-0133

FAILED: Date: May 11, 2021

Vote: 14-15

*(Legislators Barnhart, Bauroth, Baynes, Felder, Flagler-Mitchell, Hasman, Keophetlay, LaMar, Lee, Maffucci, Morelle, Jr., Roman, Wilcox and Yudelson Voted in the Positive.)*

By Legislators Dondorfer and Delehanty

Intro. No. 201

BOND RESOLUTION DATED MAY 11, 2021

**RESOLUTION AUTHORIZING THE ISSUANCE OF \$9,000,000 BONDS OF THE COUNTY OF MONROE, NEW YORK, TO FINANCE THE COST OF SPACE UTILIZATION AND RENOVATION OF CITYPLACE IN AND FOR SAID COUNTY, AT AN ESTIMATED MAXIMUM COST OF \$9,000,000**

BE IT RESOLVED BY THE AFFIRMATIVE VOTE OF NOT LESS THAN TWO-THIRDS OF THE TOTAL VOTING STRENGTH OF THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. For the object or purpose of financing the cost of Space Utilization and Renovation of CityPlace, in and for the County of Monroe, New York (the "County"), there are hereby authorized to be issued \$9,000,000 bonds of the County, pursuant to the provisions of the Local Finance Law. The duly adopted current Capital Budget of the County, to the extent inconsistent herewith, is hereby amended to provide for the appropriation of the amount hereby authorized to pay the cost of the aforesaid specific object or purpose. The period of probable usefulness of the aforesaid specific object or purpose is twenty-five (25) years, pursuant to subdivision 12(a)(1) of paragraph a of Section 11.00 of the Local Finance Law.

Section 2. The maximum estimated cost thereof is \$9,000,000, and the plan for the financing thereof is by the issuance of \$9,000,000 bonds of said County herein authorized; provided, however, that to the extent any state and/or federal aid and/or grant and/or gift is received for the aforesaid purpose, such aid shall be used to redeem any outstanding indebtedness incurred for such purpose or shall be applied, dollar for dollar, to reduce the amount of bonds to be issued for such purpose.

Section 3. The faith and credit of the County are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell the bonds and bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Director of Finance - Chief Financial Officer, the chief fiscal officer of the County under the Local Finance Law. The Director of Finance - Chief Financial Officer may sell such bonds or notes at public or private sale, at a discount or premium, at fixed or variable rates of interest or at no interest whatsoever, or as capital appreciation bonds, and with such amortization of principal as the Director of Finance - Chief Financial Officer shall determine is most favorable to the County, and in compliance with any rules of the State Comptroller applicable thereto. Such bonds or notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Director of Finance - Chief Financial Officer, consistent with the provisions of the Local Finance Law. The Director of Finance - Chief Financial Officer may, in the event it is determined to issue variable rate bonds or notes, enter into such agreements as said officer finds reasonable to facilitate the issuance, sale, resale and repurchase of such bonds or notes, as authorized under Section 54.90 of the Local Finance Law. The Director of Finance - Chief Financial Officer is also authorized to enter into such agreements and take such other action as may be necessary or appropriate and lawful to assure that, to the extent possible, (i) interest on the bonds and notes authorized hereby will not be includable in the gross income, for federal income tax

purposes, of the recipients thereof, and (ii) to enable the purchaser thereof to comply with Securities and Exchange Commission Rule 15c2-12. The Director of Finance – Chief Financial Officer is hereby further delegated all powers of this County Legislature with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for such bonds or notes, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

Section 5. All other matters, except as provided herein, relating to such bonds or notes, including prescribing whether manual or facsimile signatures shall appear on said bonds or notes, prescribing the method for the recording of ownership of said bonds or notes, appointing the fiscal agent or agents for said bonds or notes, providing for the printing and delivery of said bonds or notes (and if said bonds or notes are to be executed in the name of the County by only facsimile signatures, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, form, denominations, maturities, interest rate or rates, terms of and manner of sale and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Director of Finance - Chief Financial Officer. The Director of Finance - Chief Financial Officer may elect to become the fiscal agent for the bonds or notes, or may contract on behalf of the County for this service pursuant to the Local Finance Law. Such bonds or notes shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals, in addition to those required by Section 52.00 of the Local Finance Law, as the Director of Finance - Chief Financial Officer shall determine.

Section 6. The validity of such bonds and bond anticipation notes, as authorized by this resolution, may be contested only if:

- 1) such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
- 2) the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and  
an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or
- 3) such obligations are authorized in violation of the provisions of the Constitution.

Section 7. This resolution shall constitute a statement of official intent for purposes of Section 1.150-2 of the Treasury Regulations. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the objects or purposes described herein.

Section 8. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter and the Clerk of the Legislature is hereby authorized and directed to publish this resolution or a summary hereof to be published, together with a notice attached in substantially the form and in the manner prescribed by Section 81.00 of the Local Finance Law.

Committee of the Whole; April 27, 2021 - CV: 26-2  
File No. 21-0133.br

FAILED: Date: May 11, 2021

Vote: 12-17

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



By Legislators Dondorfer and Delehanty

Intro. No. 202

RESOLUTION NO. 144 OF 2021

**ACCEPTING GRANTS FROM NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION FOR ZERO EMISSION VEHICLE INFRASTRUCTURE PROJECT**

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

Section 1. The County Executive, or his designee, is hereby authorized to accept grants in the total amount of \$204,000 from the New York State Department of Environmental Conservation for the Zero Emission Vehicle Infrastructure Project.

Section 2. The 2021 operating budget of the Department of Environmental Services is hereby amended by appropriating the sum of \$204,000 into internal services fund 9020, funds center 8675010000 Fleet Maintenance.

Section 3. These grants require a 20% local match. Funding for this match is included in the 2021 operating budget of the Department of Environmental Services, internal services fund 9020, funds center 8675010000, Fleet Maintenance.

Section 4. The County Executive is hereby authorized to appropriate any subsequent years of the grant awards in accordance with the grant terms, to reappropriate any unencumbered balances during the grant period according to the grantor requirements, and to make any necessary funding modifications within the grant guidelines to meet contractual commitments.

Section 5. Should funding for this program be modified or terminated for any reason, the County Executive is hereby authorized to terminate or modify the program and where applicable, to terminate or abolish some or all positions funded under such program. Any termination or abolishment of positions shall be in accordance with New York State Civil Service Law, and when applicable, the terms of any labor agreement affecting such positions.

Section 6. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0134

ADOPTION: Date: May 11, 2021      Vote: 29-0

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: Cedric Bell DATE: 5/21/2021

EFFECTIVE DATE OF RESOLUTION: 5/21/2021

By Legislators Boyce and Delehanty

Intro. No. 203

RESOLUTION NO. 145 OF 2021

**AMENDING RESOLUTION 122 OF 2017 AS AMENDED BY RESOLUTION 113 OF 2018  
EXTENDING AND INCREASING CONTRACT WITH WORKFIT MEDICAL, LLC FOR  
SHERIFF'S EMPLOYEES' MEDICAL SERVICES**

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

Section 1. Section 1 of Resolution 122 of 2017, as amended by Resolution 113 of 2018, is amended as follows:

The County Executive, or ~~her~~his designee, is hereby authorized to execute a contract, and any amendments thereto, with WorkFit Medical, LLC, for Sheriff's employees' medical services, in an amount not to exceed \$160,000, for the period of May 1, 2017 through April 30, 2018, with the option to renew for ~~two (2) additional one year terms, in an amount not to exceed \$160,000 per year~~the periods of May 1, 2018 through April 30, 2019 in an amount not to exceed \$160,000, and of May 1, 2019 through October 31, 2020 in an amount not to exceed \$201,000.

Section 2. Funding for this amendment is included in the 2021 operating budget of the Sheriff's Office, fund 9001, funds center 3806010000.

Section 3. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0135

ADOPTION: Date: May 11, 2021      Vote: 29-0

ACTION BY THE COUNTY EXECUTIVE

APPROVED:       VETOED:

SIGNATURE: Calvin Bell      DATE: 5/21/2021

EFFECTIVE DATE OF RESOLUTION: 5/21/2021

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

By Legislators Boyce and Delehanty

Intro. No. 204

RESOLUTION NO. 146 OF 2021

**AUTHORIZING CONTRACT WITH ROBERTS WESLEYAN COLLEGE FOR ROCHESTER THREAT ADVISORY COMMITTEE PROGRAM MANAGEMENT**

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

Section 1. The County Executive, or his designee, is hereby authorized to execute a contract, and any amendments thereto, with Roberts Wesleyan College for Rochester Threat Advisory Committee Program Management in the amount of \$117,000 for the period of January 1, 2021 through December 31, 2022.

Section 2. Funding for this contract is included in the 2021 Operating Budget of the Sheriff's Office, general fund 9300, funds center 3803010000, Police Bureau Administration.

Section 3. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0136

ADOPTION: Date: May 11, 2021      Vote: 29-0

ACTION BY THE COUNTY EXECUTIVE

APPROVED: ✓      VETOED: \_\_\_\_\_

SIGNATURE: Calvin Bell      DATE: 5/21/2021

EFFECTIVE DATE OF RESOLUTION: 5/21/2021

By Legislators Boyce and Delehanty

Intro. No. 205

RESOLUTION NO. 147 OF 2021

**ACCEPTING GRANT FROM UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES MARSHALS SERVICE WESTERN DISTRICT OF NEW YORK FOR THE UNITED STATES MARSHALS SERVICE NY/NJ REGIONAL FUGITIVE TASK FORCE - ROCHESTER DIVISION**

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

Section 1. The County Executive, or his designee, is hereby authorized to accept a grant in an amount not to exceed \$40,000 and to execute a contract, and any amendments thereto, with the United States Department of Justice, United States Marshals Service Western District of New York for the reimbursement of overtime for the United States Marshals Service New York/New Jersey Regional Fugitive Task Force-Rochester Division for the period of October 1, 2020 through September 30, 2021.

Section 2. The 2021 operating budget of the Office of the Sheriff is hereby amended by appropriating the sum of \$40,000 into general fund 9300, funds center 3803010000, Police Bureau Administration.

Section 3. The County Executive is hereby authorized to appropriate any subsequent years of the grant award in accordance with the grant terms, to reappropriate any unencumbered balances during the grant period according to the grantor requirements, and to make any necessary funding modifications within the grant guidelines to meet contractual commitments.

Section 4. Should funding of this program be modified or terminated for any reason, the County Executive is hereby authorized to terminate or modify the program and, where applicable, to terminate or abolish some or all positions funded under such program. Any termination or abolishment of positions shall be in accordance with New York State Civil Service Law and, when applicable, the terms of any labor agreement affecting such positions.

Section 5. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0137

ADOPTION: Date: May 11, 2021      Vote: 29-0

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: Edgar Rella      DATE: 5/21/2021

EFFECTIVE DATE OF RESOLUTION: 5/21/2021

By Legislators Boyce and Delehanty

Intro. No. 206

RESOLUTION NO. 148 OF 2021

**ACCEPTING GRANT FROM NEW YORK STATE OFFICE OF INDIGENT LEGAL SERVICES FOR OFFICES OF PUBLIC DEFENDER AND CONFLICT DEFENDER FOR PROVISION OF INDIGENT LEGAL SERVICES**

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

Section 1. The County Executive, or his designee, is hereby authorized to accept a \$3,184,755 grant from, and to execute a contract and any amendments thereto with, the New York State Office of Indigent Legal Services for the Office of the Monroe County Public Defender and the Office of the Monroe County Conflict Defender for the provision of indigent legal services for the period of January 1, 2021 through December 31, 2023.

Section 2. The 2021 operating budget of the Office of the Public Defender is hereby amended by appropriating the sum of \$780,865, into general fund 9300, funds center 2601010000, Public Defender Administration.

Section 3. The 2021 operating budget of the Department of Public Safety is hereby amended by appropriating the sum of \$280,720 into general fund 9300, funds center 2402010000, Legal Representation.

Section 4. The County Executive is hereby authorized to appropriate any subsequent years of the grant award in accordance with the grant terms, to reappropriate any unencumbered balances during the grant period according to the grantor requirements, and to make any necessary funding modifications within the grant guidelines to meet contractual commitments.

Section 5. Should funding of this program be modified or terminated for any reason, the County Executive is hereby authorized to terminate or modify the program and, where applicable, to terminate or abolish some or all positions funded under such program. Any termination or abolishment of positions shall be in accordance with New York State Civil Service Law and, when applicable, the terms of any labor agreement affecting such positions.

Section 6. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0138

ADOPTION: Date: May 11, 2021      Vote: 29-0

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: Clay Bell DATE: 5/21/2021

EFFECTIVE DATE OF RESOLUTION: 5/21/2021

By Legislators Boyce and Delehanty

Intro. No. 207

RESOLUTION NO.149 OF 2021

**AUTHORIZING CREATION OF THREE (3) NEW POSITIONS IN THE PUBLIC DEFENDER'S OFFICE AND AUTHORIZING CREATION OF NINE (9) NEW POSITIONS IN CONFLICT DEFENDER'S OFFICE AS PART OF YEAR 3 FUNDING OF STATEWIDE EXPANSION OF THE HURRELL-HARRING PROJECT GRANT**

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

Section 1. The County Executive, or his designee, is hereby authorized to create three (3) new positions in the Public Defender's Office as part of year 3 funding of the Statewide Expansion of the Hurrell-Harring Project Grant as follows: three (3) Public Defender Assistant Grade I, Group 19.

Section 2. The County Executive, or his designee, is hereby authorized to create nine (9) new positions in the Conflict Defender's Office and as part of year 3 funding of the Statewide Expansion of the Hurrell-Harring Project Grant as follows: one (1) Special Assistant Conflict Defender, Group 22; four (4) Assistant Conflict Defender Grade I, Group 18; and four (4) Assistant Conflict Defender Grade II, Group 17.

Section 3. Funding for these positions is included in the 2021 operating budget of the Public Defender's Office, general fund 9300, funds center 2601010000, Public Defender Administration and the 2021 operating budget of the Department of Public Safety, general fund 9300, funds center 2402010000, Legal Representation.

Section 4. Should funding of this program be modified or terminated for any reason, the County Executive is hereby authorized to terminate or modify the program and, where applicable, to terminate or abolish some or all positions funded under such program. Any termination or abolishment of positions shall be in accordance with New York State Civil Service Law and, when applicable, the terms of any labor agreement affecting such positions.

Section 5. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0139

ADOPTION: Date: May 11, 2021      Vote: 29-0

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: Charles Bell DATE: 5/21/2021

EFFECTIVE DATE OF RESOLUTION: 5/21/2021



By Legislators Boyce, Ancello and Delehanty

Intro. No. 208

RESOLUTION NO. 150 OF 2021

**AUTHORIZING INTERMUNICIPAL AGREEMENT WITH CITY OF ROCHESTER TO ACCEPT PASS THROUGH FUNDING FROM UNITED STATES DEPARTMENT OF JUSTICE FOR 2020 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM**

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

Section 1. The County Executive, or his designee, is hereby authorized to execute an intermunicipal agreement, and any amendments thereto, with the City of Rochester to accept pass through funding from the United States Department of Justice in the amount of \$64,310 for the 2020 Edward Byrne Memorial Justice Assistance Grant Program for the period of October 1, 2019 through September 30, 2023.

Section 2. Funding for this grant is included in the 2021 operating budget of the Department of Public Safety, Office of Probation and Community Corrections, general fund 9001, funds center 2403040000, General Supervision.

Section 3. The County Executive is hereby authorized to appropriate any subsequent years of the grant award in accordance with the grant terms, to reappropriate any unencumbered balances during the grant period according to the grantor requirements, and to make any necessary funding modifications within the grant guidelines to meet contractual commitments.

Section 4. Should funding of this program be modified or terminated for any reason, the County Executive is hereby authorized to terminate or modify the program and, where applicable, to terminate or abolish some or all positions funded under such program. Any termination or abolishment of positions shall be in accordance with New York State Civil Service Law and, when applicable, the terms of any labor agreement affecting such positions.

Section 5. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0140

ADOPTION: Date: May 11, 2021      Vote: 29-0

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_

VETOED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

EFFECTIVE DATE OF RESOLUTION: \_\_\_\_\_

*[Handwritten Signature]*  
*[Handwritten Signature: Cheryl Bell]*      DATE: 5/21/2021  
EFFECTIVE DATE OF RESOLUTION: 5/21/2021

By Legislators Boyce and Delehanty

Intro. No. 209

RESOLUTION NO. 151 OF 2021

**ACCEPTING GRANT FROM UNITED STATES DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, FOR FY2020 DNA CAPACITY ENHANCEMENT AND BACKLOG REDUCTION PROGRAM**

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

Section 1. The County Executive, or his designee, is hereby authorized to accept a \$339,396 grant from, and to execute a contract and any amendments thereto with, the United States Department of Justice, Office of Justice Programs, for the FY2020 DNA Capacity Enhancement and Backlog Reduction Program for the period of October 1, 2020 through September 30, 2022.

Section 2. The 2021 operating budget of the Department of Public Safety is hereby amended by appropriating the sum of \$339,396 into general fund 9300, funds center 2408040100, Monroe County Crime Laboratory.

Section 3. The County Executive is hereby authorized to appropriate any subsequent years of the grant award in accordance with the grant terms, to reappropriate any unencumbered balances during the grant period according to the grantor requirements, and to make any necessary funding modifications within the grant guidelines to meet contractual commitments.

Section 4. Should funding of this program be modified or terminated for any reason, the County Executive is hereby authorized to terminate or modify the program and, where applicable, to terminate or abolish some or all positions funded under such program. Any termination or abolishment of positions shall be in accordance with New York State Civil Service Law and, when applicable, the terms of any labor agreement affecting such positions.

Section 5. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0141

ADOPTION: Date: May 11, 2021      Vote: 29-0

ACTION BY THE COUNTY EXECUTIVE

APPROVED: ✓      VETOED: \_\_\_\_\_

SIGNATURE: Adrian Bell      DATE: 5/21/2021

EFFECTIVE DATE OF RESOLUTION: 5/21/2021



By Legislators Boyce and Delehanty

Intro. No. 210

RESOLUTION NO. 152 OF 2021

**ACCEPTING GRANT FROM NEW YORK STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES FOR FY2020 STATE LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM**

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

Section 1. The County Executive, or his designee, is hereby authorized to accept a \$170,000 grant from, and to execute a contract and any amendments thereto with, the New York State Division of Homeland Security and Emergency Services for the FY2020 State Law Enforcement Terrorism Prevention Program for the period of September 1, 2020 through August 31, 2023.

Section 2. The 2021 operating budget of the Department of Public Safety is hereby amended by appropriating the sum of \$170,000 into general fund 9300, funds center 2408030100, Office of Emergency Management.

Section 3. The County Executive, or his designee, is hereby authorized to approve and accept a \$284,500 grant from, and to execute a contract and any amendments thereto with, the New York State Division of Homeland Security and Emergency Services for the FY2020 State Law Enforcement Terrorism Prevention Program for the period of September 1, 2020 through August 31, 2023.

Section 4. The 2021 operating budget of the Office of the Sheriff is hereby amended by appropriating the sum of \$284,500 into general fund 9300, funds center 3803010000, Police Bureau Administration.

Section 5. The County Executive is hereby authorized to appropriate any subsequent years of the grant awards in accordance with the grant terms, to reappropriate any unencumbered balances during the grant periods according to the grantor requirements, and to make any necessary funding modifications within grant guidelines to meet contractual requirements.

Section 6. Should funding of these programs be modified or terminated for any reason, the County Executive is hereby authorized to terminate or modify the program and, where applicable, to terminate or abolish some or all positions funded under such program. Any termination or abolishment of positions shall be in accordance with New York State Civil Service Law and, when applicable, the terms of any labor agreement affecting such positions.

Section 7. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0142

ADOPTION: Date: May 11, 2021      Vote: 29-0

ACTION BY THE COUNTY EXECUTIVE

APPROVED: ✓      VETOED: \_\_\_\_\_

SIGNATURE: Robert Bell      DATE: 5/21/2021

EFFECTIVE DATE OF RESOLUTION: 5/21/2021

By Legislators Boyce and Delehanty

Intro. No. 211

RESOLUTION NO. 153 OF 2021

**AUTHORIZING CONTRACT WITH UNIVERSITY OF ROCHESTER FOR CONTINUING DEVELOPMENT AND SUSTAINMENT OF COUNTY'S MEDICAL COUNTERMEASURE PROGRAM**

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

Section 1. The County Executive, or his designee, is hereby authorized to execute a contract, and any amendments thereto, with the University of Rochester for the continuing development and sustainment of the County's Medical Countermeasure Program in an amount not to exceed \$60,000 for the period of July 1, 2021 through February 28, 2022.

Section 2. Funding for this contract is included in the 2021 operating budget of the Department of Public Safety, general fund 9300, funds center 2408030100, Office of Emergency Management.

Section 3. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0143

ADOPTION: Date: May 11, 2021      Vote: 29-0 (*Legislator Hasman Declared Her Interest Prior to the Vote.*)

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE:       DATE: 5/21/2021

EFFECTIVE DATE OF RESOLUTION: 5/21/2021

By Legislators Boyce, Ancello and Delehanty

Intro. No. 212

RESOLUTION NO. 154 OF 2021

**AMENDING RESOLUTION 284 OF 2020 TO EXTEND TIME PERIOD OF INTERMUNICIPAL AGREEMENT WITH CITY OF ROCHESTER FOR FY2016 COMPLEX COORDINATED TERRORIST ATTACK GRANT**

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

Section 1. Section 1 of Resolution 284 of 2020 is amended as follows:

The County Executive, or his designee, is hereby authorized to execute an intermunicipal agreement, and any amendments thereto, with the City of Rochester in an amount not to exceed \$8,250, as reimbursement to the Rochester Police Department for participation in the County's FY2016 Complex Coordinated Terrorist Attack Grant Program, for the period of August 1, 2020 through May 31, 2021.

Section 2. Funding for this agreement is included in the 2021 operating budget of the Department of Public Safety, general fund 9300, funds center 2408030100, Office of Emergency Management.

Section 3. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0144

ADOPTION: Date: May 11, 2021      Vote: 29-0

ACTION BY THE COUNTY EXECUTIVE

APPROVED:

VETOED:

SIGNATURE: 

DATE: 5/21/2021

EFFECTIVE DATE OF RESOLUTION: 5/21/2021

Added language is underlined

Deleted language is ~~stricken~~

By Legislators Wilt and Delehanty

Intro. No. 213

RESOLUTION NO. 155 OF 2021

**AUTHORIZING CONTRACTS WITH COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY AND ENVIRONMENTAL DESIGN & RESEARCH, LANDSCAPE ARCHITECTURE, ENGINEERING & ENVIRONMENTAL SERVICES, DPC FOR PROFESSIONAL SERVICES FOR MONROE COUNTY COMPREHENSIVE PLAN**

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

Section 1. The County Executive is hereby authorized to execute a contract, and any amendments thereto, with the County of Monroe Industrial Development Agency to accept \$200,000 for general planning services for the period of June 1, 2021 through May 31, 2023.

Section 2. The 2021 operating budget of the Department of Planning and Development is hereby amended by appropriating the sum of \$200,000 into general fund 9300, funds center 1401010000, Planning Services.

Section 3. The County Executive is hereby authorized to execute a contract, and any amendments thereto, with Environmental Design & Research, Landscape Architecture, Engineering & Environmental Services, DPC in the amount of \$184,953 for professional consulting services for the Monroe County Comprehensive Plan for the period of June 1, 2021 through May 31, 2023, with the option to renew for one (1) year at no additional cost.

Section 4. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0145

ADOPTION: Date: May 11, 2021      Vote: 29-0

ACTION BY THE COUNTY EXECUTIVE

APPROVED:       VETOED:

SIGNATURE: *Cedric Bello*      DATE: 5/21/2021

EFFECTIVE DATE OF RESOLUTION: 5/21/2021

By Legislators Ancello, Smith and Delehanty

Intro. No. 214

RESOLUTION NO. 156 OF 2021

**AUTHORIZING INTERMUNICIPAL AGREEMENT WITH CITY OF ROCHESTER TO PROVIDE WATER QUALITY MONITORING FOR BEACH AT DURAND EASTMAN PARK**

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

Section 1. The County Executive, or his designee, is hereby authorized to execute an intermunicipal agreement, and any amendments thereto, with the City of Rochester for Monroe County to provide water quality monitoring for the beach at Durand Eastman Park in an amount not to exceed \$10,000 for the period of January 1, 2021 through December 31, 2021, with two (2) one-year options to renew at Monroe County's discretion.

Section 2. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0146

ADOPTION: Date: May 11, 2021      Vote: 29-0

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: *Clay Bell*      DATE: 5/21/2021

EFFECTIVE DATE OF RESOLUTION: 5/21/2021

By Legislators Colby and Delehanty

Intro. No. 215

RESOLUTION NO. 157 OF 2021

**AUTHORIZING CONTRACT WITH GREENMAN-PEDERSEN, INC. FOR ENGINEERING SERVICES FOR HIGHWAY REHABILITATION CENTRAL PROJECT**

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

Section 1. The County Executive, or his designee, is hereby authorized to execute a contract with Greenman-Pedersen, Inc. in the amount of \$389,957.85 for engineering services for the Highway Lighting Rehabilitation – Central Project in the City of Rochester and the Towns of Chili and Gates, and any amendments necessary to complete the project within the total capital fund(s) appropriation.

Section 2. Funding for this contract, consistent with authorized uses, will be available in capital fund 1992 once the additional financing authorization herein is approved and in any other capital fund(s) created for the same intended purpose.

Section 3. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0147

ADOPTION: Date: May 11, 2021      Vote: 29-0

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: Charles Bell DATE: 5/21/2021

EFFECTIVE DATE OF RESOLUTION: 5/21/2021

By Legislators Colby and Delehanty

Intro. No. 216

RESOLUTION NO. 158 OF 2021

SUPERSEDING BOND RESOLUTION DATED MAY 11, 2021

**RESOLUTION AUTHORIZING THE ISSUANCE OF \$400,000 BONDS OF THE COUNTY OF MONROE, NEW YORK, TO FINANCE THE COST OF THE EXPRESSWAY LIGHTING REHABILITATION-CENTRAL, IN AND FOR SAID COUNTY, AT AN ESTIMATED MAXIMUM COST OF \$400,000 AND SUPERSEDING THE BOND RESOLUTION ADOPTED ON DECEMBER 15, 2020 (RESOLUTION NO. 377 OF 2020)**

BE IT RESOLVED BY THE AFFIRMATIVE VOTE OF NOT LESS THAN TWO-THIRDS OF THE TOTAL VOTING STRENGTH OF THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. For the object or purpose of financing the cost of the expressway lighting rehabilitation-central, in and for the County of Monroe, New York (the "County"), there are hereby authorized to be issued \$400,000 bonds of the County, pursuant to the provisions of the Local Finance Law. The duly adopted current Capital Budget of the County, to the extent inconsistent herewith, is hereby amended to provide for the appropriation of an additional \$30,000 to pay the cost of the aforesaid specific object or purpose (\$370,000 having been heretofore appropriated from one or more Capital Budgets). The period of probable usefulness of the aforesaid specific object or purpose is five (5) years, pursuant to subdivision 32 of paragraph a of Section 11.00 of the Local Finance Law.

Section 2. The maximum estimated cost thereof is \$400,000, and the plan for the financing thereof is by the issuance of \$400,000 bonds of said County herein authorized, provided, however, that to the extent any state and/or federal aid and/or grant and/or gift is received for the aforesaid purpose, such aid shall be used to redeem any outstanding indebtedness incurred for such purpose or shall be applied, dollar for dollar, to reduce the amount of bonds to be issued for such purpose.

Section 3. The faith and credit of the County are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell the bonds and bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Director of Finance - Chief Financial Officer, the chief fiscal officer of the County under the Local Finance Law. The Director of Finance - Chief Financial Officer may sell such bonds or notes at public or private sale, at a discount or premium, at fixed or variable rates of interest or at no interest whatsoever, or as capital appreciation bonds, and with such amortization of principal as the Director of Finance - Chief Financial Officer shall determine is most favorable to the County, and in compliance with any rules of the State Comptroller applicable thereto. Such bonds or notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Director of Finance - Chief Financial Officer, consistent with the provisions of the Local Finance Law. The Director of Finance - Chief Financial Officer may, in the event it is determined to issue

variable rate bonds or notes, enter into such agreements as said officer finds reasonable to facilitate the issuance, sale, resale and repurchase of such bonds or notes, as authorized under Section 54.90 of the Local Finance Law. The Director of Finance - Chief Financial Officer is also authorized to enter into such agreements and take such other action as may be necessary or appropriate and lawful to assure that, to the extent possible, (i) interest on the bonds and notes authorized hereby will not be includable in the gross income, for federal income tax purposes, of the recipients thereof, and (ii) to enable the purchaser thereof to comply with Securities and Exchange Commission Rule 15c2-12. The Director of Finance – Chief Financial Officer is hereby further delegated all powers of this County Legislature with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for such bonds or notes, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

Section 5. All other matters, except as provided herein, relating to such bonds or notes, including prescribing whether manual or facsimile signatures shall appear on said bonds or notes, prescribing the method for the recording of ownership of said bonds or notes, appointing the fiscal agent or agents for said bonds or notes, providing for the printing and delivery of said bonds or notes (and if said bonds or notes are to be executed in the name of the County by only facsimile signatures, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, form, denominations, maturities, interest rate or rates, terms of and manner of sale and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Director of Finance - Chief Financial Officer. The Director of Finance - Chief Financial Officer may elect to become the fiscal agent for the bonds or notes, or may contract on behalf of the County for this service pursuant to the Local Finance Law. Such bonds or notes shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals, in addition to those required by Section 52.00 of the Local Finance Law, as the Director of Finance - Chief Financial Officer shall determine.

Section 6. The validity of such bonds and bond anticipation notes, as authorized by this resolution, may be contested only if:

- 1) such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
- 2) the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and

an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or

- 3) such obligations are authorized in violation of the provisions of the Constitution.

Section 7. This resolution shall supersede Resolution No. 377 of 2020, being a bond resolution dated December 15, 2020, except to the extent that any indebtedness shall have been contracted or encumbrances made thereunder. The purpose of this superseding bond resolution is to effect the following: to increase the maximum estimated cost of the purpose to \$400,000, and to provide \$400,000 bonds therefor, an increase of \$30,000 over the \$370,000 bonds authorized under Resolution No. 377 of 2020.

Section 8. This resolution shall constitute a statement of official intent for purposes of Section 1.150-2 of the Treasury Regulations. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the objects or purposes described herein.



Section 9. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter and the Clerk of the Legislature is hereby authorized and directed to publish this resolution or a summary hereof to be published, together with a notice attached in substantially the form and in the manner prescribed by Section 81.00 of the Local Finance Law.

Committee of the Whole; April 27, 2021 – CV: 28-0  
File No. 21-0147.br

ADOPTION: Date: May 11, 2021      Vote: 29-0

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: *Odell Bell*      DATE: 5/21/2021

EFFECTIVE DATE OF RESOLUTION: 5/21/2021

By Legislators Colby, Boyce and Delehanty

Intro. No. 217

RESOLUTION NO. 159 OF 2021

**AUTHORIZING CONTRACT WITH BERGMANN ASSOCIATES, ARCHITECTS, ENGINEERS, LANDSCAPE ARCHITECTS & SURVEYORS, D.P.C. FOR ENGINEERING SERVICES FOR MIDDLE ROAD PROJECT IN TOWN OF HENRIETTA**

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

Section 1. The County Executive, or his designee, is hereby authorized to execute a contract with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. in the amount of \$342,876.63 for engineering services for the Middle Road Project in the Town of Henrietta, and any amendments necessary to complete the project within the total capital fund(s) appropriation

Section 2. Funding for this contract, consistent with authorized uses, is included in capital fund 1995 and in any capital fund(s) created for the same intended purpose.

Section 3. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0148

ADOPTION: Date: May 11, 2021      Vote: 29-0

ACTION BY THE COUNTY EXECUTIVE

APPROVED:  VETOED:

SIGNATURE:  DATE: 5/21/2021

EFFECTIVE DATE OF RESOLUTION: 5/21/2021

By Legislators Dondorfer and Wilt

Intro. No. 218

RESOLUTION NO. 160 OF 2021

**CLASSIFICATION OF ACTION AND DETERMINATION OF SIGNIFICANCE PURSUANT TO STATE ENVIRONMENTAL QUALITY REVIEW ACT FOR ACQUISITION OF REAL PROPERTY FOR CULVER ROAD HIGHWAY IMPROVEMENT PROJECT AT 4225 CULVER ROAD IN THE TOWN OF IRONDEQUOIT**

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

Section 1. The Monroe County Legislature determines that the acquisition of real property located at 4225 Culver Road in the Town of Irondequoit is an Unlisted Action.

Section 2. The Monroe County Legislature has reviewed and considered the Short Environmental Assessment Form and has considered the potential environmental impacts of the acquisition of real property located at 4225 Culver Road in the Town of Irondequoit pursuant to the requirements of State Environmental Quality Review Act and has found that the proposed action will not result in any significant adverse environmental impacts. The Monroe County Legislature hereby issues and adopts the Negative Declaration attached hereto and made a part hereof and determines that an environmental impact statement is not required.

Section 3. The County Executive, or his designee, is hereby authorized to take such actions to comply with the requirements of the State Environmental Quality Review Act, including without limitation, the execution of documents and the filing, distribution and publication of the documents required under the State Environmental Quality Review Act, and any other actions to implement the intent of this resolution.

Section 4. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0149

ADOPTION: Date: May 11, 2021      Vote: 29-0

ACTION BY THE COUNTY EXECUTIVE

APPROVED:  VETOED:

SIGNATURE: Adrian Bell DATE: 5/21/2021

EFFECTIVE DATE OF RESOLUTION: 5/21/2021

## Short Environmental Assessment Form

### Part 1 - Project Information

#### Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: Acquisition of Permanent Easement at 4225 Culver Road, in the town of Irondequoit			
Project Location (describe, and attach a location map): 4225 Culver Road in the Town of Irondequoit.			
Brief Description of Proposed Action: This action is for the acquisition of a Permanent Easement to allow signage necessary along Culver Road at 4225 Culver Road in the Town of Irondequoit.			
Name of Applicant or Sponsor: Monroe County		Telephone: (585) 7531233	
Address: 39 West Main Street		E-Mail	
City/PO: Rochester		State: New York	Zip Code 14614
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO	YES
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		NO	YES
3. a. Total acreage of the site of the proposed action?		0 019 acres	
b. Total acreage to be physically disturbed?		0 00 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0 019 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO	YES	N A
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? Name Not named, Reason Environmentally sensitive, Agency Rochester, City of, Date 3-14-86 If Yes, identify: Durand Eastman Park	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies.	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public private water supply? If No, describe method for providing potable water:	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment:	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres:	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? Bald Eagle, Least Bittern	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Is the project site located in the 100-year flood plain?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>  Applicant's name: <u>Marlene Crater</u> Signature: <u><i>Marlene Crater</i></u> Title: <u>Director Real Property Services</u>		

**PRINT FORM**

**Sweetfern rd**

**Rochester**  
062 030-0001-001 002/0000

**Disclaimer:** The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

Part 1 / Question 7 [Critical Environmental Area]	Yes
Part 1 / Question 7 [Critical Environmental Area - Identify]	Name: Not named, Reason Environmentally sensitive, Agency: Rochester, City of, Date 3-14-86
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	No
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Bald Eagle, Least Bittern
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

Agency Use Only (If applicable)

Project:

Date:

**Short Environmental Assessment Form  
Part 2 - Impact Assessment**

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g. wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**PRINT FORM**



Agency Use Only (If applicable)  
 Project: \_\_\_\_\_  
 Date: \_\_\_\_\_

**Short Environmental Assessment Form  
 Part 3 Determination of Significance**

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The Environmental Mapper indicates that the subject property, or an adjoining property is in an environmentally sensitive area, has been designated as sensitive for archaeological sites and contains a species of animal, or associated habitats listed as threatened or endangered

This action is for the acquisition of the property and does not include the physical alteration nor disturbance of the property. It is limited to the placement of road signs. Therefore, there this action will not result in any significant adverse environment impacts.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts

Monroe County \_\_\_\_\_  
 Name of Lead Agency

5/21/2021  
 Date

Adam J. Bells \_\_\_\_\_  
 Print or Type Name of Responsible Officer in Lead Agency

County Executive \_\_\_\_\_  
 Title of Responsible Officer

*Adam J. Bells* \_\_\_\_\_  
 Signature of Responsible Officer in Lead Agency

*Justin B. [Signature]* \_\_\_\_\_  
 Signature of Preparer (if different from Responsible Officer)

PRINT FORM



By Legislators Dondorfer and Wilt

Intro. No. 220

RESOLUTION NO. 162 OF 2021

**CLASSIFICATION OF ACTION AND DETERMINATION OF SIGNIFICANCE PURSUANT TO STATE ENVIRONMENTAL QUALITY REVIEW ACT FOR ACQUISITION OF REAL PROPERTY FOR ENGLISH ROAD HIGHWAY IMPROVEMENT PROJECT IN THE TOWN OF GREECE**

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

Section 1. The Monroe County Legislature determines that the acquisition of the referenced properties in the Town of Greece is an Unlisted Action.

Section 2. The Monroe County Legislature has reviewed and considered the Short Environmental Assessment Form dated March 2, 2021 and has considered the potential environmental impacts of the acquisition of real property referenced in the Town of Greece pursuant to the requirements of State Environmental Quality Review Act and has found that the proposed action will not result in any significant adverse environmental impacts. The Monroe County Legislature hereby issues and adopts the Negative Declaration attached hereto and made a part hereof and determines that an environmental impact statement is not required.

<u>Parcel</u>	<u>Owner</u>	<u>Amount</u>
Map 14 Parcel 1 TE 1264 sf 1700 English Road T.A. # 059.01-3-56.11 Town of Greece	1700 English Road LLC Buckingham Properties 259 Alexander Street Rochester, NY 14607	\$700.00 TE
Map 15 Parcel 1 PE 2,314 sf Parcel 2 TE 1,426 sf 1687 English Road T.A. # 059.01-6-8 Town of Greece	English Pines Management. LLC Brian Justice 212 Edgemere Drive Rochester, NY 14612	\$11,800.00 PE \$700.00 TE
Map 16 Parcel 1 TE 1,084 sf 1680 English Road T.A # 059.01-3-56.14 Town of Greece	846 LPR Buckingham Properties 259 Alexander Street Rochester, NY 14607	\$100.00 TE
Map 17 Parcel 1 PE 586 sf Parcel 2 TE 1,273 sg 1677 English Road T.A. #059.01-6-9 Town of Greece	Brian Justice 212 Edgemere Drive Rochester, NY 14612	\$2,000.00 PE \$200.00 TE

Map 18  
Parcel 1 TE 2,436 sf  
English Road  
T.A. # 059.01-3-55  
Town of Greece

Town of Greece  
1 Vince Tofany Blvd  
Rochester, NY 14612

\$100.00 \* TE  
Waived

Map 19  
Parcel 1 PE 2,250 sf  
18 Old English Drive  
T.A. # 059.11-3-68  
Town of Greece

Ladd D. Dromgold  
Cathy H. Dromgold  
18 Old English Road  
Rochester, NY 14616

\$3,400.00 PE

Map 20  
Parcel 1 PE 378 sf  
Parcel 2 TE 2,034 sf  
English Road  
T.A. # 059.11-1-12  
Town of Greece

Jack R. Ritter  
Aaron S. Ritter  
1300 English Road  
Rochester, NY 14616

\$400.00 PE  
\$200.00 TE

Map 21  
Parcel 1 PE 1,254 sf  
Parcel 2 TE 2,579 sf  
T.A. # 059.11-1-13  
Town of Greece

Jack R. Ritter  
Aaron Ritter  
1300 English Road  
Rochester, NY 14616

\$1,800.00 PE  
\$400.00 TE

Section 3. The County Executive, or his designee, is hereby authorized to take such actions to comply with the requirements of the State Environmental Quality Review Act, including without limitation, the execution of documents and the filing, distribution, and publication of the documents required under the State Environmental Quality Review Act, and any other actions to implement the intent of this resolution.

Section 4. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0151

ADOPTION: Date: May 11, 2021      Vote: 29-0

ACTION BY THE COUNTY EXECUTIVE

APPROVED: ✓      VETOED: \_\_\_\_\_

SIGNATURE: *Charles Bell*      DATE: 5/21/2021

EFFECTIVE DATE OF RESOLUTION: 5/21/2021

## Short Environmental Assessment Form

### Part I - Project Information

#### Instructions for Completing

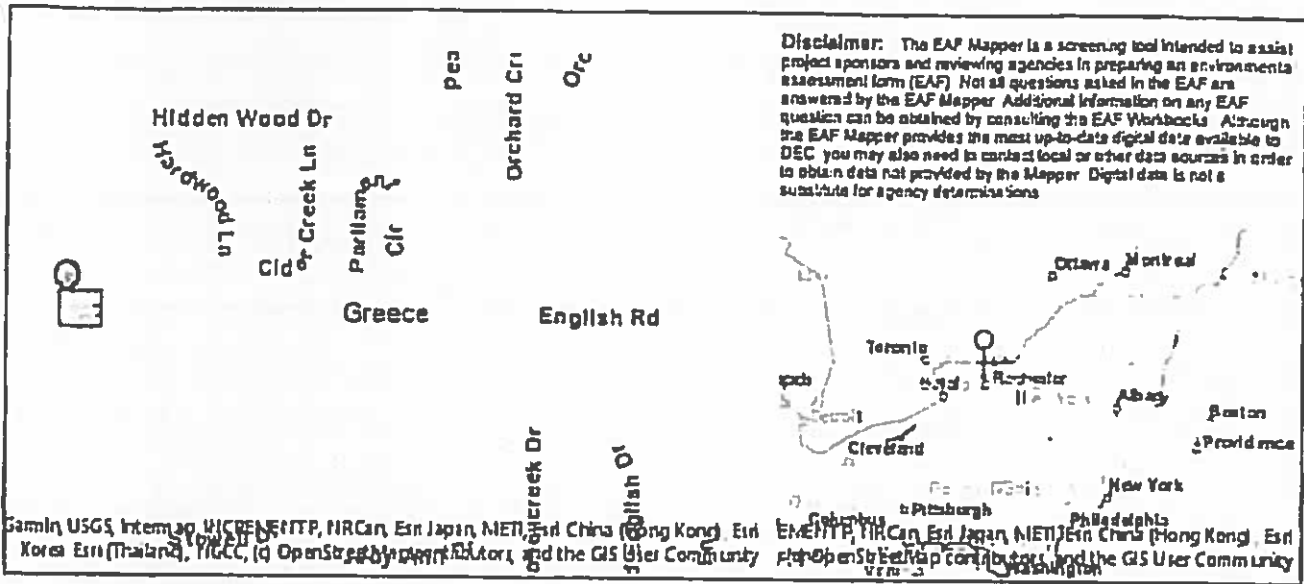
Part I - Project Information. The applicant or project sponsor is responsible for the completion of Part I. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part I based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part I. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part I - Project and Sponsor Information			
Name of Action or Project: English Road Reconstruction Project			
Project Location (describe, and attach a location map): 1700 English Rd 059.01-3-58 11, 1687 English Rd 059 01-6-8, 1530 English Rd 059.01-3-56 14, 1677 English Rd 059 01-6-9, English Rd 029 01-3-55			
Brief Description of Proposed Action: The action is for replacement of a box culvert that allows a class C stream to flow under English Road and easement acquisition for right-of-way related to this roadwork. Replacement of the culvert will entail removal and re-installation of a culvert with temporary impacts to the class C stream, that requires a Protection of Waters Permit from the New York State Department of Environmental Conservation. Limited easements will be acquired on several parcels. Temporary Easements for construction work will be needed at 1700, 1687, 1680, and 1677 English Drive. Permanent easements of approximately 88 acres of land will be acquired on 1687 and 1677. Easement acquisition has been requested by New York State Department of Transportation to ensure sufficient right of way to operate and maintain English Road			
Name of Applicant or Sponsor: Monroe County		Telephone: 585-753-1233	
Address: 39 West Main Street		E-Mail:	
City/PO: Rochester		State: NY	Zip Code: 14614
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and placed in Part 2. If no, continue to question 2.		NO	YES
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		NO	YES
3. a. Total acreage of the site of the proposed action?		0 088 acres	
b. Total acreage to be physically disturbed?		0 00 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0 056 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input checked="" type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public private water supply?	NO	YES	
If No, describe method for providing potable water: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____			
Although NMI indicates that PUBH and PFD1/SS1A may be present on the site. However, based on a site visit on November 23, 2019 confirmed that no federal wetlands or state wetlands are present in the work area. Accordingly, no wetlands will be impacted by this action. _____			





Part 1 / Question 7 (Critical Environmental Area)	No
Part 1 / Question 12a (National or State Register of Historic Places or State Eligible Sites)	No
Part 1 / Question 12b (Archeological Sites)	No
Part 1 / Question 13a (Wetlands or Other Regulated Waterbodies)	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook
Part 1 / Question 15 (Threatened or Endangered Animal)	No
Part 1 / Question 16 (100 Year Flood Plain)	Yes
Part 1 / Question 20 (Remediation Site)	No



Agency Use Only (If applicable)

Project:

Date:

**Short Environmental Assessment Form  
Part 2 - Impact Assessment**

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**PRINT FORM**

Agency Use Only (If applicable)

Project:

Date:

### Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The action is for replacement of a box culvert that allows a class C stream to flow under English Road and easement acquisition for right-of-way related to this roadwork. Although, no moderate to large impacts have been identified on the project site, it is host to both a stream and wetlands that need be evaluated for adverse environmental impacts.

Replacement and rehabilitation of the existing box culvert may temporarily impact the stream and wetlands. All disturbance will be temporary, limited to the period of construction, and will not encroach on or permanently alter existing nearby wetlands. Site visits have confirmed that no federal wetlands or state mapped wetlands or wetland checkzones are located in or adjacent to the proposed project and construction area. Additionally, Monroe County anticipates a Protection of Waters Permit to engage in stream disturbance pursuant to New York State Law. Monroe County will follow all requirements to work in the stream, including time constraints, and remedial measures that are required by the New York State Department of Environmental Conservation. Accordingly, after consideration of the potential impacts to the stream and wetlands, it has been determined that no significant adverse environmental impacts from this action will occur.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Monroe County  
Name of Lead Agency

Adam J Bello  
Print or Type Name of Responsible Officer in Lead Agency

5/21/2024  
Date

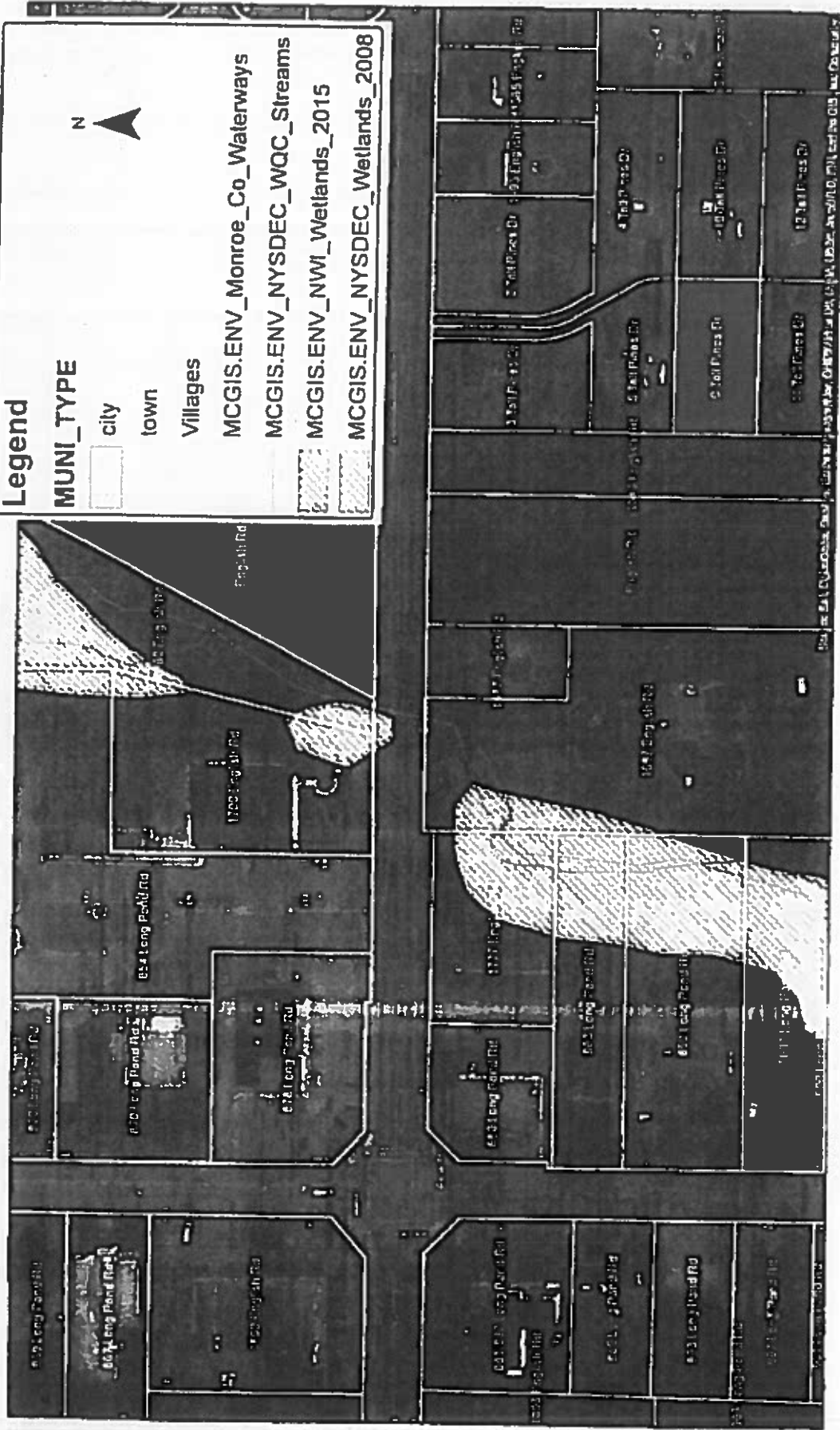
County Executive  
Title of Responsible Officer

*Adam Bello*  
Signature of Responsible Officer in Lead Agency

*Tracy [Signature]*  
Signature of Preparer (if different from Responsible Officer)

PRINT FORM

1700, 1687, 1680, 1677 English Road Property Acquisitions - SEQR



Data Source: National Wetlands Inventory, 2015; NYS DEC Freshwater Wetlands Map 2008; Monroe County Office of Real Property Services.

Map prepared by Monroe County Department of Planning & Development. This map is for GENERAL PLANNING PURPOSE ONLY and is provided without guarantee for any specific or implied use.

By Legislators Colby and Delehanty

Intro. No. 221

RESOLUTION NO. 163 OF 2021

**AUTHORIZING ACQUISITION OF INTERESTS IN REAL PROPERTY FOR ENGLISH ROAD HIGHWAY IMPROVEMENT PROJECT IN TOWN OF GREECE**

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

Section 1. The County Executive, or his designee, is hereby authorized to acquire the referenced property interests and execute all documents necessary for the English Road Highway Improvement Project in the Town of Greece by contract and/or the Eminent Domain Procedure Law, along with any amendments for unanticipated damages, within the total capital fund(s) appropriation.

<u>Parcel</u>	<u>Owner</u>	<u>Amount</u>
Map 14 Parcel 1 TE 1264 sf 1700 English Road T.A. # 059.01-3-56.11 Town of Greece	1700 English Road LLC Buckingham Properties 259 Alexander Street Rochester, NY 14607	\$700.00 TE
Map 15 Parcel 1 PE 2,314 sf Parcel 2 TE 1,426 sf 1687 English Road T.A. # 059.01-6-8 Town of Greece	English Pines Management. LLC Brian Justice 212 Edgemere Drive Rochester, NY 14612	\$11,800.00 PE \$700.00 TE
Map 16 Parcel 1 TE 1,084 sf 1680 English Road T.A # 059.01-3-56.14 Town of Greece	846 LPR Buckingham Properties 259 Alexander Street Rochester, NY 14607	\$100.00 TE
Map 17 Parcel 1 PE 586 sf Parcel 2 TE 1,273 sg 1677 English Road T.A. #059.01-6-9 Town of Greece	Brian Justice 212 Edgemere Drive Rochester, NY 14612	\$2,000.00 PE \$200.00 TE
Map 18 Parcel 1 TE 2,436 sf English Road T.A. # 059.01-3-55 Town of Greece	Town of Greece 1 Vince Tofany Blvd Rochester, NY 14612	\$100.00 * TE Waived

Map 19  
Parcel 1 PE 2,250 sf  
18 Old English Drive  
T.A. # 059.11-3-68  
Town of Greece

Ladd D. Dromgold  
Cathy H. Dromgold  
18 Old English Road  
Rochester, NY 14616

\$3,400.00 PE

Map 20  
Parcel 1 PE 378 sf  
Parcel 2 TE 2,034 sf  
English Road  
T.A. # 059.11-1-12  
Town of Greece

Jack R. Ritter  
Aaron S. Ritter  
1300 English Road  
Rochester, NY 14616

\$400.00 PE  
\$200.00 TE

Map 21  
Parcel 1 PE 1,254 sf  
Parcel 2 TE 2,579 sf  
T.A. # 059.11-1-13  
Town of Greece

Jack R. Ritter  
Aaron Ritter  
1300 English Road  
Rochester, NY 14616

\$1,800.00 PE  
\$400.00 TE

Section 2. Funding for these acquisitions is included in the 2021 operating budget of the Department of Transportation, road fund 9002, funds center 8002050000, Consolidated Local Street and Highway Improvement Program (CHIPS).

Section 3. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0152

ADOPTION: Date: May 11, 2021      Vote: 29-0

ACTION BY THE COUNTY EXECUTIVE

APPROVED:  VETOED:

SIGNATURE:  DATE: 5/21/2021

EFFECTIVE DATE OF RESOLUTION: 5/21/2021

By Legislators Smith and Delehanty

Intro. No. 222

RESOLUTION NO. 164 OF 2021

**AUTHORIZING CONTRACT WITH UNIVERSITY OF ROCHESTER MEDICAL CENTER FOR MEDICAL SERVICES FOR MONROE COMMUNITY HOSPITAL**

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

Section 1. This legislative body authorizes a contract with the University of Rochester Medical Center to provide medical services for Monroe Community Hospital in the amount of \$2,501,323 for the period of May 1, 2021 through April 30, 2022, with the option to renew for four (4) additional one-year terms at a rate of increase not to exceed 2.25% per year.

Section 2. Funding for this contract is included in the 2021 operating budget of Monroe Community Hospital, fund 9012, funds center 6205060000, Medical Administration and will be requested in future years' budgets.

Section 3. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0153

ADOPTION: Date: May 11, 2021      Vote: 29-0 (*Legislator Hasman Declared Her Interest Prior to the Vote.*)

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: *Cedric Bell* DATE: 5/21/2021

EFFECTIVE DATE OF RESOLUTION: 5/21/2021

By Legislators Dondorfer and Delehanty

Intro. No. 223

RESOLUTION NO. 165 OF 2021

**AMENDING 2021-2026 CAPITAL IMPROVEMENT PROGRAM TO ADD PROJECT ENTITLED  
"ENERGY IMPROVEMENT EQUIPMENT ACQUISITION"**

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

Section 1. The 2021-2026 Capital Improvement Program is hereby amended to add a project entitled "Energy Improvement Equipment Acquisition" in the amount of \$12,900,000.

Section 2. Funding for this project, consistent with authorized uses, will be included in the capital fund to be created and any other capital fund(s) created for the same intended purpose.

Section 3. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0154

ADOPTION: Date: May 11, 2021      Vote: 29-0

ACTION BY THE COUNTY EXECUTIVE

APPROVED: ✓      VETOED: \_\_\_\_\_

SIGNATURE: *Cedric Bell*      DATE: 5/21/2021

EFFECTIVE DATE OF RESOLUTION: 5/21/2021

By Legislators Dondorfer and Delehanty

Intro. No. 224

RESOLUTION NO. 166 OF 2021

BOND RESOLUTION DATED MAY 11, 2021

**RESOLUTION AUTHORIZING THE ISSUANCE OF \$12,900,000 BONDS OF THE COUNTY OF MONROE, NEW YORK, TO FINANCE THE COST OF AN ENERGY IMPROVEMENT EQUIPMENT ACQUISITION PROJECT IN AND FOR SAID COUNTY, AT AN ESTIMATED MAXIMUM COST OF \$12,900,000**

BE IT RESOLVED BY THE AFFIRMATIVE VOTE OF NOT LESS THAN TWO-THIRDS OF THE TOTAL VOTING STRENGTH OF THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. For the object or purpose of financing the cost of an Energy Improvement Equipment Acquisition Project, in and for the County of Monroe, New York (the "County"), consisting a various equipment and related improvements originally undertaken through the New York Power Authority, there are hereby authorized to be issued \$12,900,000 bonds of the County, pursuant to the provisions of the Local Finance Law. The duly adopted current Capital Budget of the County, to the extent inconsistent herewith, is hereby amended to provide for the appropriation of the amount hereby authorized to pay the cost of the aforesaid class of objects or purposes. The period of probable usefulness of the aforesaid class of objects or purposes is at least fifteen (15) years, pursuant to subdivision 91 (subdivisions 4,12(a) and 35) of paragraph a of Section 11.00 of the Local Finance Law.

Section 2. The maximum estimated cost thereof is \$12,900,000, and the plan for the financing thereof is by the issuance of \$12,900,000 bonds of said County herein authorized; provided, however, that to the extent any state and/or federal aid and/or grant and/or gift is received for the aforesaid purpose, such aid shall be used to redeem any outstanding indebtedness incurred for such purpose or shall be applied, dollar for dollar, to reduce the amount of bonds to be issued for such purpose.

Section 3. The faith and credit of the County are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell the bonds and bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Director of Finance - Chief Financial Officer, the chief fiscal officer of the County under the Local Finance Law. The Director of Finance - Chief Financial Officer may sell such bonds or notes at public or private sale, at a discount or premium, at fixed or variable rates of interest or at no interest whatsoever, or as capital appreciation bonds, and with such amortization of principal as the Director of Finance - Chief Financial Officer shall determine is most favorable to the County, and in compliance with any rules of the State Comptroller applicable thereto. Such bonds or notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Director of Finance - Chief Financial Officer, consistent with the provisions of the Local Finance Law. The Director of Finance - Chief Financial Officer may, in the event it is determined to issue



variable rate bonds or notes, enter into such agreements as said officer finds reasonable to facilitate the issuance, sale, resale and repurchase of such bonds or notes, as authorized under Section 54.90 of the Local Finance Law. The Director of Finance - Chief Financial Officer is also authorized to enter into such agreements and take such other action as may be necessary or appropriate and lawful to assure that, to the extent possible, (i) interest on the bonds and notes authorized hereby will not be includable in the gross income, for federal income tax purposes, of the recipients thereof, and (ii) to enable the purchaser thereof to comply with Securities and Exchange Commission Rule 15c2-12. The Director of Finance - Chief Financial Officer is hereby further delegated all powers of this County Legislature with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for such bonds or notes, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

Section 5. All other matters, except as provided herein, relating to such bonds or notes, including prescribing whether manual or facsimile signatures shall appear on said bonds or notes, prescribing the method for the recording of ownership of said bonds or notes, appointing the fiscal agent or agents for said bonds or notes, providing for the printing and delivery of said bonds or notes (and if said bonds or notes are to be executed in the name of the County by only facsimile signatures, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, form, denominations, maturities, interest rate or rates, terms of and manner of sale and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Director of Finance - Chief Financial Officer. The Director of Finance - Chief Financial Officer may elect to become the fiscal agent for the bonds or notes, or may contract on behalf of the County for this service pursuant to the Local Finance Law. Such bonds or notes shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals, in addition to those required by Section 52.00 of the Local Finance Law, as the Director of Finance - Chief Financial Officer shall determine.

Section 6. The validity of such bonds and bond anticipation notes, as authorized by this resolution, may be contested only if:

- 1) such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
- 2) the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and  
an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or
- 3) such obligations are authorized in violation of the provisions of the Constitution.

Section 7. This resolution shall constitute a statement of official intent for purposes of Section 1.150-2 of the Treasury Regulations. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the objects or purposes described herein.

Section 8. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter and the Clerk of the Legislature is hereby authorized and directed to publish this resolution or a summary hereof to be published, together with a notice attached in substantially the form and in the manner prescribed by Section 81.00 of the Local Finance Law.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0154.br

ADOPTION: Date: May 11, 2021      Vote: 29-0

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: Orlando Bell      DATE: 5/21/2021

EFFECTIVE DATE OF RESOLUTION: 5/21/2021

By Legislators Smith and Delehanty

Intro. No. 225

RESOLUTION NO. 167 OF 2021

**AMENDING RESOLUTION 431 OF 2020, AS AMENDED BY RESOLUTION 24 OF 2021, AUTHORIZING CONTRACTS FOR PROVISION OF MENTAL HEALTH, DEVELOPMENTAL DISABILITY, AND ALCOHOLISM AND SUBSTANCE ABUSE SERVICES IN 2021 FOR MONROE COUNTY OFFICE OF MENTAL HEALTH**

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

Section 1. Section 1 of Resolution 431 of 2020, as amended by Resolution 24 of 2021, is amended as follows:

The County Executive, or his designee, is hereby authorized to execute contracts, and any amendments thereto, with the agencies listed in Attachment A and any other agencies as necessary to provide mental health, developmental disability, and alcoholism and substance abuse services for Monroe County residents, in a total amount not to exceed ~~\$40,120,086~~\$41,120,086 for the period of January 1, 2021 through December 31, 2021.

Section 2. Funding for this contract increase is included in the 2021 operating budget of the Department of Human Services, general fund 9001, funds centers 5702010000, Mental Health Services.

Section 3. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0155

ADOPTION: Date: May 11, 2021      Vote: 29-0

ACTION BY THE COUNTY EXECUTIVE

APPROVED: ✓      VETOED: \_\_\_\_\_

SIGNATURE: Calvin Bello      DATE: 5/21/2021

EFFECTIVE DATE OF RESOLUTION: 5/21/2021

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

By Legislators Hebert, Allkofer, Wilt and Maffucci

Intro. No. 226

RESOLUTION NO. 168 OF 2021

**AUTHORIZING CONTRACT WITH TRYBE ECOTHERAPY, LLC FOR PROVISION OF PILOT MENTAL HEALTH PROGRAM AS A HOLISTIC OPTION FOR VETERANS STRUGGLING WITH MENTAL ILLNESS FOR MONROE COUNTY DEPARTMENT OF VETERANS SERVICES**

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

Section 1. The County Executive, or his designee, is hereby authorized to execute a contract, and any amendments thereto, with Trybe Ecotherapy, LLC for the provision of mental health services for the Monroe County Department of Veterans Services in an amount not to exceed \$125,000 for the period of May 1, 2021 through April 30, 2022.

Section 2. Funding for this contract is included in the 2021 operating budget of the Veterans Service Agency Department, general fund 9001, funds center 7401010000, Veterans Service Agency.

Section 3. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Committee of the Whole; April 27, 2021 - CV: 28-0  
File No. 21-0163

ADOPTION: Date: May 11, 2021      Vote: 29-0

ACTION BY THE COUNTY EXECUTIVE

APPROVED: ✓      VETOED: \_\_\_\_\_

SIGNATURE: Adrian Bello      DATE: 5/21/2021

EFFECTIVE DATE OF RESOLUTION: 5/21/2021

By Legislators Felder, Flagler-Mitchell and Keophetlasy

Intro. No. 227

**AUTHORIZING ALLOCATION OF EMERGENCY GRANT FUNDING TO SUPPORT ARTS ORGANIZATIONS NEGATIVELY IMPACTED BY COVID-19 PANDEMIC**

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

Section 1. The President of the Legislature, or his designee, is hereby authorized to execute grant agreements, contracts, or applications, and any amendments thereto, with the organizations listed below, in the total amount of \$131,000, for emergency grant funding related to the COVID-19 pandemic, for the period of January 1, 2021 through December 31, 2021.

Organization

The Avenue Blackbox Theatre	\$20,000
Rochester Contemporary Art Center	\$10,000
Rochester Community Television	\$20,000
Borinquen Dance Theatre	\$20,000
Legacy Drama House	\$10,000
Rochester Latino Theatre	\$10,000
Blackfriars of Rochester Inc.	\$3,500
Boa Editions Limited	\$3,500
Deep Arts	\$2,500
Flower City Arts Center	\$3,500
Garth Fagan Dance	\$4,000
Landmark Society of WNY Inc.	\$4,500
Push Physical Theatre	\$3,000
Rochester City Ballet	\$5,500
Rochester Oratorio Society	\$3,000
Visual Studies Workshop Inc.	\$3,500
Writers And Books	\$4,500
Total:	<u>\$131,000</u>

Section 2. Funding for these agreements, contracts, or applications is included in the 2021 operating budget of the Monroe County Legislature, general fund 9001, funds center 1001020000, Community Contingency Fund.

Section 3. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Matter of Urgency  
File No. 21-0165

By Legislators Baynes and Roman

Intro. No. 228

MOTION NO. 52 OF 2021

**PROVIDING THAT INTRO. NO. 227 OF 2021 BE TABLED**

Be It Moved, that Intro. No. 227 of 2021 be, and hereby is, tabled.

File No. 21-0165

FAILED: Date: May 11, 2021

Vote: 7-22

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

By Legislators Carbone and Flagler-Mitchell

Intro. No. 229

MOTION NO. 53 OF 2021

**PROVIDING THAT RESOLUTION (INTRO NO. 227 OF 2021), ENTITLED "AUTHORIZING ALLOCATION OF EMERGENCY GRANT FUNDING TO SUPPORT ARTS ORGANIZATIONS NEGATIVELY IMPACTED BY COVID-19 PANDEMIC," BE AMENDED**

BE IT MOVED, that Resolution (Intro. No. 227 of 2021), entitled "AUTHORIZING ALLOCATION OF EMERGENCY GRANT FUNDING TO SUPPORT ARTS ORGANIZATIONS NEGATIVELY IMPACTED BY COVID-19 PANDEMIC," be amended as follows:

Section 1. The President of the Legislature, or his designee, is hereby authorized to execute grant agreements, contracts, or applications, and any amendments thereto, with the organizations listed below, in the total amount of ~~\$131,000~~ \$136,000, for emergency grant funding related to the COVID-19 pandemic, for the period of January 1, 2021 through December 31, 2021.

Organization

The Avenue Blackbox Theatre	\$20,000
Rochester Contemporary Art Center	\$10,000
Rochester Community Television	\$20,000
Borinquen Dance Theatre	\$20,000
Legacy Drama House	\$10,000
Rochester Latino Theatre	\$10,000
<u>Irondequoit Arts Club</u>	<u>\$5,000</u>
Blackfriars of Rochester Inc.	\$3,500
Boa Editions Limited	\$3,500
Deep Arts	\$2,500
Flower City Arts Center	\$3,500
Garth Fagan Dance	\$4,000
Landmark Society of WNY Inc.	\$4,500
Push Physical Theatre	\$3,000
Rochester City Ballet	\$5,500
Rochester Oratorio Society	\$3,000
Visual Studies Workshop Inc.	\$3,500
Writers And Books	\$4,500
Total:	<u><del>\$131,000</del></u> <u>\$136,000</u>

Section 2. Funding for these agreements, contracts, or applications is included in the 2021 operating budget of the Monroe County Legislature, general fund 9001, funds center 1001020000, Community Contingency Fund.

Section 3. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Matter of Urgency  
File No. 21-0165

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

ADOPTION: Date: May 11, 2021

Vote: 27-2 (Legislators Baynes and Maffucci Voted in the Negative.)

By Legislators Felder and Flagler-Mitchell

Intro. No. 230

MOTION NO. 54 OF 2021

**PROVIDING THAT THE QUESTION BE CALLED ON INTRO. NO. 227 OF 2021**

Be It Moved that the question be, and hereby is called on Intro. No. 227 of 2021.

File No. 21-0165

ADOPTION: Date: May 11, 2021    Vote: 28-1  
*(Legislator Morelle, Jr. Voted in the Negative.)*



By Legislators Hebert and Delehanty

Intro. No. 231

RESOLUTION NO. 170 OF 2021

**AMENDING RESOLUTION 134 OF 2020 ENTITLED "ACCEPTING GRANT FROM UNITED STATES TREASURY FOR CORONAVIRUS AID, RELIEF AND ECONOMIC SECURITY ACT," FOR PROVISION OF ADDITIONAL LEGISLATIVE FISCAL OVERSIGHT**

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

Section 1. Section 1 of Resolution No. 134 of 2020 shall be amended, in part, as follows:

The County Executive, or his designee, is hereby authorized to accept a \$129,433,144.90 grant from, and to execute a contract and any amendments thereto with, the United States Treasury, for the Coronavirus Aid, Relief, and Economic Security Act, for payment of expenses needed to combat the Coronavirus pandemic, for the period of March 1, 2020 through December ~~30~~ 31, 2020 2021.

Section 2. Section 3 of Resolution No. 134 of 2020 shall be amended, in part, as follows:

The County Executive, ~~is hereby authorized to~~ with approval by resolution of the County Legislature, may appropriate any subsequent years of the grant award in accordance with the grant terms, to reappropriate any unencumbered balances during the grant period according to the grantor requirements, and to make any necessary funding modifications within the grant guidelines to meet contractual commitments.

Section 3. Section 5 of Resolution No. 134 of 2020 shall be renumbered as Section 6.

Section 4. Resolution No. 134 of 2020 shall be amended, in part, by adding a new Section 5, to read as follows:

It shall be required that the Legislature approve by resolution, the expense of any funds accepted and appropriated hereto, when used to fund any agreement or contract on behalf of the county for goods and services where the total consideration thereof is in excess of \$20,000, as prescribed in Section A5-6 (A) of the Monroe County Code.

Section 5. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Matter of Urgency  
File No. 21-0166

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

ADOPTION: Date: May 11, 2021

Vote: 29-0

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE: Adair Bell DATE: 5/21/2021

EFFECTIVE DATE OF RESOLUTION: 5/21/2021

By Legislators Hebert and Terp

Intro. No. 232

RESOLUTION NO. 171 OF 2021

**AUTHORIZING INTERMUNICIPAL AGREEMENT WITH TOWN OF WEBSTER FOR AN EXCHANGE OF REAL PROPERTY TO FULFILL AND ASSIST WITH THE COMPLETION OF TOWN OF WEBSTER'S LAKE ONTARIO RESILIENCY AND ECONOMIC DEVELOPMENT INITIATIVE (REDI) MO.56 LAKE ROAD IMPROVEMENT PROJECT**

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

Section 1. The County Executive, or his designee, is hereby authorized to enter into an intermunicipal agreement, and any amendments thereto, with the Town of Webster for the acceptance of an approximately 16,970 square feet parcel along the northwest side of Lake Road, to be used as right of way, in exchange for the transfer of an approximately 21,141 square feet parcel along the southeast side of Lake Road, of abandoned right of way, and any other actions needed to fulfill and assist with the completion of Town of Webster's Lake Ontario Resiliency and Economic Development Initiative (REDI) Mo.56 Lake Road Improvement Project.

Section 2. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Matter of Urgency  
File No. 21-0167

ADOPTION: Date: May 11, 2021      Vote: 29-0

ACTION BY THE COUNTY EXECUTIVE

APPROVED: \_\_\_\_\_ VETOED: \_\_\_\_\_

SIGNATURE:  DATE: 5/21/2021

EFFECTIVE DATE OF RESOLUTION: 5/21/2021

By Legislators Hebert and Brew

Intro. No. 233

RESOLUTION NO. 172 OF 2021

**ADDRESSING HOMELESSNESS IN THE CIVIC CENTER PARKING GARAGE**

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

Section 1. The Legislature hereby requests that the County Executive and all applicable public authorities enforce existing laws, ordinances, rules and regulations pertaining to the Civic Center Parking Garage located at 55 S. Fitzhugh St., Rochester, NY 14614

Section 2. The Legislature hereby requests that the County Executive commit to utilizing funds from the American Rescue Plan to provide safe-housing options for all individuals displaced from the Civic Center Parking Garage.

Section 3. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Matter of Urgency  
File No. 21-0168

ADOPTION: Date: May 11, 2021

Vote: 18-11

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

**Note:** This resolution was not returned either approved or vetoed by the County Executive and is, therefore, deemed approved and effective as of May 22, 2021, in accordance with Section C2-7 of the Monroe County Charter.

By Legislators Roman, Baynes, Hasman and Maffucci

Intro. No. 234

MOTION NO. 55 OF 2021

**PROVIDING THAT INTRO. NO. 233 OF 2021 BE TABLED**

Be It Moved, that Intro. No. 233 of 2021 be, and hereby is, tabled.

File No. 21-0168

FAILED: Date: May 11, 2021

Vote: 12-17

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

By Legislators Colby and Flagler-Mitchell

Intro. No. 235

MOTION NO. 56 OF 2021

**PROVIDING THAT THE QUESTION BE CALLED TO INTRO. NO. 233 OF 2021**

Be It Moved that the question be, and hereby is called on Intro. No. 233 of 2021.

File No. 21-0168

FAILED: Date: May 11, 2021

Vote: 19-10

*(Legislators Brew, Felder, Flagler-Mitchell, Allkofer, Ancello, Boyce, Colby, Delehanty, DiFlorio, Dondorfer, Hebert, Keophettasy, Lee, Marianetti, Smith, Taylor, Terp, Wilt and Carbone Voted in the Positive.)*