

*Monroe County
Clerk of the Legislature*

**David Grant
Clerk**



**Frank Keophetlasy
Deputy Clerk**

**Ian Watkins
2nd Assistant Dep. Clerk**

MEMORANDUM

TO: Legislators, Directors, Staff and Media
FROM: David Grant, Clerk of the Legislature **DG**
DATE: June 13, 2023
RE: Matters of Urgency – File No. 23-0182 - 23-0183

-
- 23-0182** **Amend Resolution 113 of 2023 to Amend the 2023 Capital Budget to Increase Funding for the Project Entitled “Milling/Resurfacing/Recycling,” and Authorize an Interfund Transfer for the 2023 Highway Maintenance Project in the Towns of Brighton and Greece** – As a Matter of Urgency – County Executive Adam J. Bello
- 23-0183** **Amend the 2023 Capital Budget and Bond Resolution 22 of 2023 to Provide an Increase Funding for the Hazardous Material Fire Truck Replacement Project** – As a Matter of Urgency – County Executive Adam J. Bello

Per President Sabrina LaMar, the attached communications have been declared to be Matters of Urgency pursuant to Section 545-24(A)(3) of the Rules of the Monroe County Legislature and will be considered at the June 13, 2023 regular meeting of the Monroe County Legislature.

Attachments



Office of the County Executive

Monroe County, New York

Adam J. Bello
County Executive

June 13, 2023

OFFICIAL FILE COPY	
No.	230182
Not to be removed from the Office of the Legislature of Monroe County	
Committee Assignment	
URGENT	-L

To The Honorable
Monroe County Legislature
407 County Office Building
Rochester, New York 14614

Subject: Amend Resolution 113 of 2023 to Amend the 2023 Capital Budget to Increase Funding for the Project Entitled "Milling/Resurfacing/Recycling," and Authorize an Interfund Transfer for the 2023 Highway Maintenance Project in the Towns of Brighton and Greece

Honorable Legislators:

I recommend that Your Honorable Body amend Resolution 113 of 2023 to Amend the 2023 Capital Budget to increase funding for the project entitled "Milling/Resurfacing/Recycling," and authorize an interfund transfer.

Referral 23-0085 was substituted on March 23, 2023, to include: (1) an amendment the 2023 Capital Budget to increase funding for the project entitled "Milling/Resurfacing/Recycling" in the amount of \$180,000, from \$1,500,000 to \$1,680,000, for a total project authorization of \$1,680,000; and (2) an authorization for the Controller to transfer \$180,000 from the Department of Transportation, road fund 9002, funds center 8002040000 Road Maintenance to capital fund 2059, Milling/Resurfacing/Recycling. The substituted referral was reported upon favorably by Transportation and Ways and Means at the March 28th committee meetings and approved by the Monroe County Planning Board on April 27th. However, Resolution 113 of 2023 did not include the substituted language.

The 2023 Highway Maintenance Project in the Towns of Brighton and Greece involves the replacement of drainage structures, frames and grates, replacement of damaged curbing, repair/replacement of non-compliant ADA sidewalk ramps, striping of the roadway, including adding bike lanes, eastbound and westbound, to Elmwood Avenue within the project limits, milling and paving of Elmwood Avenue from the City Line (S. Goodman Street) to S. Winton Road in the Town of Brighton and Dewey Avenue from Dorsey Road to Latta Road in the Town of Greece, and installation of traffic detection cameras at select intersections. The current schedule is to start work in Spring 2023 with an anticipated completion by Fall 2023. The total estimated project cost is \$3,475,946.27.

The specific legislative actions required are:

1. Amend Resolution 113 of 2023 to amend the 2023 Capital Budget to increase funding for the project entitled "Milling/Resurfacing/Recycling" in the amount of \$180,000, from \$1,500,000 to \$1,680,000, for a total project authorization of \$1,680,000.
2. Authorize the Controller to transfer \$180,000 from the Department of Transportation, road fund 9002, funds center 8002040000 Road Maintenance to capital fund 2059, Milling/Resurfacing/Recycling.

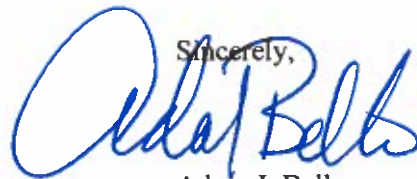
110 County Office Building • 39 West Main Street • Rochester, New York 14614

(585) 753-1000 • fax: (585) 753-1014 • www.monroecounty.gov • e-mail: countyexecutive@monroecounty.gov

This action is a Type II Action pursuant to 6 NYCRR § 617.5(c)(1) (“maintenance or repair involving no substantial changes in an existing structure or facility”) and (2) (“replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site”) and is not subject to further review under the State Environmental Quality Review Act.

Funding for this contract, consistent with authorized uses, will be included in capital funds 1957 and 2059, once the interfund transfer requested herein is approved, and any other capital fund(s) created for the same intended purpose. No additional net County support is required in the current Monroe County budget.

I recommend that this matter receive favorable action by Your Honorable Body.

Sincerely,


Adam J. Bello
Monroe County Executive

By Legislators _____ and _____

Intro. No. ____
RESOLUTION NO. ____ OF 2023

**AMENDING RESOLUTION 113 OF 2023 AMENDING THE 2023 CAPITAL BUDGET
INCREASING FUNDING FOR PROJECT ENTITLED
“MILLING/RESURFACING/RECYCLING,” AND AUTHORIZING INTERFUND TRANSFER
FOR 2023 HIGHWAY MAINTENANCE PROJECT IN TOWNS OF BRIGHTON AND GREECE**

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. Resolution 113 of 2023 is hereby amended to include the following sections:

Section 2. The 2023 Capital Budget is hereby amended to increase funding for the project entitled “Milling/Resurfacing/Recycling” in the amount of \$180,000, from \$1,500,000 to \$1,680,000, for a total project authorization of \$1,680,000.

Section 3. The Controller is hereby authorized to transfer \$180,000 from the Department of Transportation, road fund 9002, funds center 8002040000 Road Maintenance to capital fund 2059, Milling/Resurfacing/Recycling.

Section 2. Section 2 of Resolution 113 of 2023 is hereby amended to read as follows:

Section ~~2-4~~. Funding for this contract, consistent with authorized uses, will be included in capital funds 1957 and 2059, once the interfund transfer requested herein is approved, and any capital fund(s) created for the same intended purpose.

Section 3. Section 3 of Resolution 113 of 2023 is hereby renumber to be Section 5.

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

Matter of Urgency
File No. 23-0

ADOPTION: Date: _____ Vote: _____

ACTION BY THE COUNTY EXECUTIVE

APPROVED: _____ VETOED: _____

SIGNATURE: _____ DATE: _____

EFFECTIVE DATE OF RESOLUTION: _____

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



Office of the County Executive

Monroe County, New York

Adam J. Bello
County Executive

OFFICIAL FILE COPY	
No.	230183
Not to be removed from the Office of the Legislature Of Monroe County	
Committee Assignment	
URGENT	-L

June 13, 2023

To The Honorable
Monroe County Legislature
407 County Office Building
Rochester, New York 14614

Subject: Amend the 2023 Capital Budget and Bond Resolution 22 of 2023 to Provide an Increase Funding for the Hazardous Material Fire Truck Replacement Project

Honorable Legislators:

I recommend that Your Honorable Body amend the 2023 Capital Budget and Bond Resolution 22 of 2023 to provide an increase funding in the amount of \$60,000 for the Hazardous Material Fire Truck Replacement project.

The current County Hazardous Materials Truck (HazMat 8) was purchased in 2000 and is the primary response apparatus for transporting chemical protective clothing, containment equipment, decontamination equipment, and a multitude of related specialty support items to manage hazardous materials incidents in our community.

The County received a single bid response in an amount that exceeded the current bond authorization of \$1,300,000 by \$60,000.

The specific legislative actions required are:

1. Amend the 2023 Capital Budget to increase funding for the Hazardous Material Fire Truck Replacement project in the amount of \$60,000 from \$1,300,000 to \$1,360,000 for a total project authorization of \$1,360,000.
2. Amend Bond Resolution 22 of 2023 to increase financing for the Hazardous Material Fire Truck Replacement project, capital fund 2076, in the amount of \$60,000 from \$1,300,000 to \$1,360,000 for a total project authorization of \$1,360,000.

This is a Type II Action pursuant to 6 NYCRR §617.5(c)(31) (“purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, or other hazardous materials”) and is not subject to further review under the State Environmental Quality Review Act.

Funding for this project consistent with authorized uses, will be included in capital fund 2076 once the financing authorization herein is approved and in any other capital fund(s) created for the same intended purpose. No additional net County support is required in the current Monroe County budget.

I recommend that this matter receive favorable action by Your Honorable Body.

Sincerely,


Adam J. Bello
Monroe County Executive

AJB:db

By Legislators _____ and _____

Intro. No. _____

RESOLUTION NO. _____ OF 2023

SUPERSEDING BOND RESOLUTION DATED JUNE 13, 2023

RESOLUTION AUTHORIZING THE ISSUANCE OF \$1,360,000 BONDS OF THE COUNTY OF MONROE, NEW YORK, TO FINANCE THE COST OF THE PURCHASE OF A HAZARDOUS MATERIAL FIRE TRUCK, IN AND FOR SAID COUNTY, AT AN ESTIMATED MAXIMUM COST OF \$1,360,000 AND SUPERSEDING THE BOND RESOLUTION ADOPTED ON JANUARY 10, 2023 (RESOLUTION NO. 23 OF 2023)

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 purchase of a Hazardous Material Fire Truck, in and for the County of Monroe, New York (the "County"), there are hereby authorized to be issued \$1,360,000 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 \$60,000 to pay the cost of the aforesaid specific object or purpose (\$1,300,000 having been heretofore appropriated from one or more Capital Budgets). The period of probable usefulness of the aforesaid specific object or purpose is twenty (20) years, pursuant to subdivision 27 of paragraph a of Section 11.00 of the Local Finance Law.

Section 2. The maximum estimated cost thereof is \$1,360,000, and the plan for the financing thereof is by the issuance of \$1,360,000 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, the County Executive, or his designee, is hereby authorized to accept and shall use such funds to redeem any outstanding indebtedness incurred for such purpose or apply it, 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. 23 of 2023, being a bond resolution dated January 10, 2023, 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 \$1,360,000, and to provide \$1,360,000 bonds therefor, an increase of \$60,000 over the \$1,300,000 bonds authorized under Resolution No. 23 of 2023.

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.

Matter of Urgency
File No.

ADOPTION: Date: June 13, 2023

Vote: _____

ACTION BY THE COUNTY EXECUTIVE

APPROVED: _____ VETOED: _____

SIGNATURE: _____ DATE: _____

EFFECTIVE DATE OF RESOLUTION: _____

LEGAL NOTICE OF ESTOPPEL

The bond resolution, a summary of which is published herewith, has been adopted on June 13, 2023 and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Monroe, New York, is not authorized to expend money, or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

A complete copy of the resolution summarized herewith is available for public inspection during regular business hours at the Office of the Clerk of the County Legislature of the County of Monroe, New York, for a period of twenty days from the date of publication of this Notice.

Dated: _____, 2023
Rochester, New York

David Grant, Clerk, Monroe County Legislature

RESOLUTION NO. ____ OF 2023

SUPERSEDING BOND RESOLUTION DATED JUNE 13, 2023

RESOLUTION AUTHORIZING THE ISSUANCE OF \$1,360,000 BONDS OF THE COUNTY OF MONROE, NEW YORK, TO FINANCE THE COST OF THE PURCHASE OF A HAZARDOUS MATERIAL FIRE TRUCK, IN AND FOR SAID COUNTY, AT AN ESTIMATED MAXIMUM COST OF \$1,360,000 AND SUPERSEDING THE BOND RESOLUTION ADOPTED ON JANUARY 10, 2023 (RESOLUTION NO. 23 OF 2023)

Specific Object or Purpose:	Purchase of hazardous material fire truck
Maximum estimated cost:	\$1,360,000
Period of probable usefulness:	Twenty years
Amount of obligations to be issued:	\$1,360,000 bonds