

ROCHESTER CITY COUNCIL

REGULAR MEETING

March 15, 2022

Due to the current high transmission rate of the Delta variant of the Covid-19 coronavirus in Monroe County under CDC guidelines and in accordance with the new State law enacted on September 2 (Chapter 417), the meeting was conducted remotely via video conferencing on Zoom and streamed live for public viewing on the Internet via the Council's Facebook and YouTube pages and on City 12, the City's government access channel that is available to Spectrum Cable subscribers – Channel 1303.

Present –President Meléndez, Councilmembers Gruber, Harris, Lightfoot, Lupien, Martin, Patterson, Peo, Smith – 9.

President Meléndez requested the Council to pause for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.
Councilmember Gruber

Retirement:

DES:

Michael Grassadonia
Kimberly Williams
Richard Wing

DRHS:

Sandy Goldrich

ECD:

John Nolan

FIN:

Lavette Gunner
Tammy Macon

OPI:

Daniel Mastrella

RFD

Juney Anderson
Robert Kapal
Andrew Lonthair

RPD:

Johnny Anthony Jr.
Carl Dickerson
Henry Favor Jr.
Sean McGurn
Albert Weech

APPROVAL OF THE MINUTES

By Councilmember Lightfoot

RESOLVED, that the minutes of the Regular Meeting on February 15, 2022 be approved as published in the official sheets of the Proceedings.

Adopted unanimously.

THE CITY CLERK---THE FOLLOWING DOCUMENTS ARE HEREBY DIRECTED TO BE RECEIVED AND FILED:

The Mayor submits the following:

Administrative Cancellation or Refund of Erroneous Taxes and Charges – February 2022

Quarterly Reports – Loans and Grants: July – September 2021
October – December 2021

THE CITY CLERK---THE FOLLOWING DOCUMENTS ARE HEREBY DIRECTED TO BE RECEIVED AND FILED:

The Council submits Disclosure of Interest Forms from **Councilmember Gruber** on Int. Nos. 91 and 95; **Councilmember Harris** on Int. No. 106; **Councilmember Martin** on Int. No. 91; and **Vice President Lupien** on Int. No. 106

THE COUNCIL PRESIDENT --- RECEIVED AND FILED.

PUBLIC HEARINGS.

Pursuant to law, a public hearing was held on March 10, 2022 on the following matter:

Amending the Official Map by abandoning a portion of the Chace Street right-of-way Int. No. 106

No speakers

REPORTS OF STANDING COMMITTEES
AND ACTION THEREON

By Councilmember Gruber
March 15, 2022

To the Council:

The **FINANCE COMMITTEE** recommends for **ADOPTION** the following entitled legislation:

- Int. No. 90 Amending the 2021-22 Budget to fund Violence Prevention Services
- Int. No. 91 Resolution approving an appointment to the Board of Directors of Action for a Better Community, Inc.
- Int. No. 116 Authorizing an amendatory agreement with CypherWorx, Inc. for online employee training
- Int. No. 118 Authorizing an agreement with General Code, LLC for indexing Council Proceedings

Respectfully submitted,
Mitch Gruber
Michael A. Patterson
Kimberly Smith
Mary Lupien
Miguel Meléndez
FINANCE COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2022-70
Re Budget Transfer – Violence Prevention
 Services

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation amending the 2021-22 Budget of the City of Rochester for operation of the Violence Prevention Services programming within the Mayor’s Office. This legislation will transfer \$666,500 from the 2021-22 Budget of the Department of Recreation and Human Services to the 2021-22 Budget of the Office of the Mayor. The transfer reflects the remaining available fiscal year funds for operation of Violence Prevention Services programs in DRHS.

The Violence Prevention Services unit consists of the Pathways to Peace program and the newly formed Office of Neighborhood Safety. Pathways to Peace monitors high risk youth and adults through regular communication, mediates violent conflicts, provides presentations on antiviolenace and gang issues, and provides service linkages to youth and adults at risk or involved in serious violent incidents and to families of violent youth or youth in crisis. The Office of Neighborhood Safety was formed to develop a citywide framework for addressing the root causes of violence and recidivism, build partnerships with community providers, and implement evidencebased violence prevention initiatives including the Advance Peace – Peacemaker Fellowship program. The transfer of the Violence Prevention Services unit from DRHS to the Mayor’s Office will allow the City to put

focused effort on coordinating violence prevention activities with other local governments, non-profits, and community members.

Respectfully submitted,
Malik D. Evans
Mayor
Ordinance No. 2022-70
(Int. No. 90)

Amending the 2021-22 Budget to fund Violence Prevention Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2021-174, the 2021-22 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$666,500 from the Budget of the Department of Recreation and Human Services to the Budget of the Office of the Mayor for the operation of Violence Prevention Services programming.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2022-18
Re Appointment – ABC Board

Transmitted herewith for your approval is legislation making the following appointment to the Action for a Better Community (ABC), Inc. Board of Directors:

Charles D. Reaves

Charles Reaves' term is through December 2024 and a copy of his resume is on file in the office of the City Clerk.

Respectfully submitted,
Malik D. Evans
Mayor

Resolution No. 2022-18
(Int. No. 91)

Resolution approving an appointment to the Board of Directors of Action for a Better Community, Inc.

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the appointment of Charles D. Reaves to the Board of Directors of Action for a Better Community, Inc. for a term which shall expire on December 31, 2024.

Section 2. This resolution shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2022-71

Re Amendatory Agreement – CypherWorx,
Inc. Online Employee Training

Council Priority: Support the Creation
of Effective Educational Systems

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with CypherWorx, Inc. (Paul Cypher, Chief Executive Officer), to extend the term of the agreement for an additional six months and for additional compensation needed to fund this extension. The original agreement, authorized in March 2019 (Ordinance No. 2019-47), established maximum compensation of \$83,891 for a term of three years and was amended in September of 2020 (Ordinance No. 2020-285) to increase compensation by \$24,900 for a maximum of \$108,791 to expand the City's use of their online training platform to include select mandatory in-service compliance and professional development training for the Rochester Fire Department. This amendment will increase total compensation by \$19,593 to a maximum of \$128,384 and will be funded from the 2021-22 Budget of Undistributed Expenses.

CypherWorx, Inc. currently provides online training programs for City employees on the topics of Sexual Harassment, Workplace Harassment, Workplace Violence, Diversity/Inclusion as well as select topics in Emergency Medical Services (EMS), Professional Development and New York State mandated and specialty area in-service training for uniformed members of the Rochester Fire Department. This online training platform also provides for the tracking, recording, and documenting of the trainings, and provides progress and verification reports to supervisors regarding their employees' completion of the trainings.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No. 2022-71
(Int. No. 116)

Authorizing an amendatory agreement with CypherWorx, Inc. for online employee training

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an amendatory professional services agreement with CypherWorx, Inc. to provide an online training platform for City employees. The agreement shall amend the agreement authorized in Ordinance No. 2019-47, as amended in Ordinance No. 2020-285, to increase the maximum compensation by \$19,593 to a new total of

\$128,384, and to extend the term by six months. The amendatory compensation shall be funded from the 2021-22 Budget of Undistributed Expenses.

Section 2. The amendatory agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2022-72
Re Indexing of the City Council Annual
Proceedings

Transmitted herewith for your approval is legislation establishing maximum compensation of \$25,000 for a professional services agreement with General Code, LLC to index the Council Proceedings for 2017-2021. The cost of this agreement with General Code will be funded from the 2021-22 budget of the City Council & Clerk.

In 2021, numerous manpower hours within the City Clerk Office were spent working on indexing the Annual Proceedings, which is a manual process. To date, the IT Department has been unable to recommend a software solution to automate this process. After reaching out to Buffalo, Albany, and Syracuse, to inquire about the type of indexing solutions currently in use, we found they were experiencing some of the same challenges.

Subsequently, the City Clerk Office reached out to General Code for assistance, since the company already maintains and published the City Charter and Code in both paper and internet versions. We received an estimate from General Code indicating that the cost to index each year of Proceedings (expected to be 400 – 500 pages) will be \$3,800. Additional pages may result in an additional cost. Below is an explanation of how we plan to move forward with General Code.

- The City will submit a full year's proceedings in print ready (PDF) form.
- General Code will complete the first two months of indexing and submit a draft to the City for feedback.
- If adjustments are needed, General Code will address them and will then complete the Index for the year.
- General Code will return to the City a print ready PDF of the Index for each year's proceedings.

Respectfully Submitted,
Miguel A. Meléndez, Jr.
President

Ordinance No. 2022-72
(Int. No. 118)

Authorizing an agreement with General Code, LLC for indexing Council Proceedings

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with General Code, LLC to prepare annual indexes for the Council Proceedings for the years 2017 through 2021. The agreement shall have a term of one year and a maximum compensation of \$25,000, which shall be funded from the 2021-22 Budget of City Council and Clerk.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Patterson
March 15, 2022

To the Council:

The **NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE** recommends for **ADOPTION** the following entitled legislation:

- Int. No. 92 Authorizing the sale of real estate
- Int. No. 93 Authorizing the lease of a portion of 18 Wren Street
- Int. No. 94 Local Law to prohibit eviction without a Certificate of Occupancy or good cause, **as amended**

The **NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE** recommends the following entitled legislation to be **HELD** in Committee:

- Int. No. 112 Local Law modifying the Abatement of Nuisances law with regard to cannabis offenses

Respectfully submitted,
Michael A. Patterson
LaShay D. Harris
Kimberly Smith
Mary Lupien (*Voted against Int. No. 94*)
Miguel Meléndez
NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE

Received, filed, and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2022-73
Re: Sale of Real Estate

Council Priority: Rebuilding and Strengthening
Neighborhood Housing

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation approving the sale of one property to the adjoining owners. City records have been checked to ensure that the purchasers (except those buying unbuildable vacant lots) do not own other properties with code violations or delinquent taxes, and have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

The property – a portion of 20 Kestrel Street is listed on the attached spreadsheet under the heading I. Negotiated– Vacant Land and is being sold to the adjoining owner, Susan Jennifer Felong (18 Kestrel Street, Rochester, NY) to cure an encroachment. The portion will be combined with the purchaser’s primary parcel and the remaining parcel will be combined with the adjoining City owned vacant lot at 22 Kestrel Street

The first year projected tax revenue for the property, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$198.

All City taxes and other charges, except water charges against properties being sold by the City, will be canceled on the first day of the month following adoption of the ordinance because either the City has agreed to convey the property free of City tax liens and other charges, or these charges have been included in the purchase price.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AV-34

Ordinance No. 2022-73
(Int. No. 92)

Authorizing the sale of real estate

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the negotiated sale of the following parcel of vacant land with proposal:

Address	SBL#	Lot Size	Sq.Ft.	Price	Purchaser
Portion of 20 Kestrel St	Portion of 105.33-1-41	20 x 144	2,880	\$50	Susan Jennifer Felong

Legal Description

ALL THAT TRACT OR PARCEL OF LAND, being part of Lot 99 of the Kondolf & Brayer Tract as filed in Liber 3 of Maps, page 25, situate in the City of Rochester, County of Monroe and State of New York more particularly known and described as follows:

BEGINNING at a point in the westerly line of Kestrel Street (60' wide) being 392.00 feet northerly of the northerly line of Emerson Street; said point being the southeast corner of Lot 99 and the northeast corner of Lot 97;

thence (1) westerly along the division line of Lot 97 to the south and Lot 99 to the north, forming an interior angle of 90°33'45" in the northwest quadrant, a distance of 144.00 feet to a point;

thence (2) northerly forming an interior angle of 89°26'15" a distance of 20.00 feet to a point;

thence (3) easterly through said Lot 99, forming an interior angle of 90°33'45" a distance of 144.00 feet to a point;

thence (4) southerly along said westerly line of Kestrel Street, forming an interior angle of 89°26'15" a distance of 20.00 feet to the point of beginning.

All as shown on a map prepared by O'Neill-Rodak Land Surveying Associates, P.C. dated March 17,2020, redated September 1, 2021 and revised September 14,2021 and known as Project #2020-0267.

Section 2. City taxes and other City charges, except water charges, against said property are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said property free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2022-74
Re: Lease Agreement- 18 Wren St,
American Packaging Corporation

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation authorizing a lease agreement between the City and American Packaging Corporation, (Steve Montfort, Division Controller, 777 Driving Park Ave, Rochester, NY). American Packaging Corporation will lease from the City, approximately 0.90 acres of 18 Wren St for additional parking. American Packaging Corporation has leased a portion of this manufactured zoned vacant parcel

from the City for 30 years. The current agreement expires March 31, 2022, and was approved by City Council Ordinance No. 2012-181 as a 5-year lease with one 5-year extension.

The new agreement will commence April 1, 2022 and end March 31, 2027, a period of 5 years. There is one (1) available renewal of five (5) years.

The cost for the lease for the first term is \$1,000 per year, and has been established by an appraisal prepared in January, 2022, by Bruckner, Tillet, Rossi, Cahill & Associates. The cost for the renewal term will be established by a new appraisal prior to renewal. This \$1,000 annual cost represents an increase from the prior rate which was \$810 per year.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AV-35

Ordinance No. 2022-74
(Int. No. 93)

Authorizing the lease of a portion of 18 Wren Street

WHEREAS, the City of Rochester has received a proposal for the continued lease to American Packaging Corporation of a portion of property located at 18 Wren Street in the former subway bed for a term of five years with an option to extend for one additional period of five years;

WHEREAS, pursuant to Section 21-23 of the Municipal Code, the Council is required to follow additional procedures due to the length of the proposed lease;

WHEREAS, the lease amount is based on an appraisal prepared by Bruckner, Tillet, Rossi, Cahill & Associates; and

WHEREAS, the term of the lease is reasonable and necessary in light of its intended purpose and the public will benefit throughout the term of the lease.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with American Packaging Corporation (APC) to lease to APC a portion of 18 Wren Street (SBL # 090.80-2-2) for a term of five years, commencing April 1, 2022, with one five-year renewal option. The agreement shall obligate American Packaging Corporation to pay annual rent in the amount of \$1,000.

Legal Description

ALL THAT TRACT OR PARCEL OF LAND, situate in Lot 72 of the 20,000 acre tract, City of Rochester, County of Monroe, State of New York and being more particularly described as follows:

Commencing at the intersection of the northerly blue line of the abandoned Erie Canal and the westerly Right-of-Way line of the Buffalo, Rochester and Pittsburgh Railway Co.; thence S 28-43'-23" W along said westerly Right-of-Way, a distance of 15.27 feet to the southwest corner of Parcel #1 as conveyed by a deed from the City of Rochester to the Buffalo, Rochester and Pittsburgh Railway Co. and filed in Liber 1452 of Deeds, Page 377 in Monroe County Clerk's Office and the point of beginning; thence,

- 1) S 56-43'-37" E, along the south line of said Parcel #1, a distance of 100.32 feet; thence,
- 2) N 28-43'-23" E, along the east line of said Parcel #1, a distance of 11.94 feet to the northerly Canal Blue Line; thence,
- 3) S 56-56'-47" E, along said Blue Line, a distance of 281.01; thence,
- 4) S 00-34'-37" E, a distance of 112.08 feet to the approximate north edge of a 2 foot concrete wall; thence,
- 5) N 58-25'-25" W along said approximate north edge, a distance of 70.70 feet; thence,
- 6) N 56-25'-25" W, along said approximate north edge, a distance of 265.40 feet; thence,
- 7) S 28-43'-23" W, a distance of 20.78 feet to the northeast corner of Parcel #2 as conveyed by said deed filed in Liber 1452 of Deeds, Page 377; thence,
- 8) N 56-43'-37" W, along the north line of said Parcel #2, a distance of 100.32 feet to the westerly Right-of-Way line of the Buffalo, Rochester and Pittsburgh Railway Co.; thence,
- 9) N 28-43'-23" E, along said westerly line, a distance of 101.82 feet to the Point of Beginning

Intending to describe a portion of the abandoned Erie Canal containing 0.90 acres, all as shown on a map prepared by LaRue Associates, P.C., entitled "Resubdivision Map-777 Driving Park" and dated May 23, 1989.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Smith moved to hold Introductory No. 94, Local Law to prohibit eviction without a Certificate of Occupancy or good cause, as amended; 2nd by Vice President Lupien.

Motion to hold Introductory No. 94 failed by the following vote:

Ayes – Vice President Lupien, Councilmembers Martin, Smith – 3.

Nays – President Meléndez, Councilmembers Gruber, Harris, Lightfoot, Patterson, Peo – 6.

TO THE COUNCIL

Colleagues:

Introductory No. 94

Re: Amending the Municipal Code with respect to the prohibition of eviction without a Certificate of Occupancy or a good cause, as amended

Transmitted herewith for your approval is legislation known as the Eviction Reduction Law which adds a new article 38 to the Municipal Code prohibiting evictions without good cause and during any period of noncompliance with section §90-16 regarding Certificates of Occupancy.

A community's health, vitality, and quality of life can be measured by the condition of its properties. Rochester's renewable Certificate of Occupancy (C of O) program was designed to help stabilize and enhance our city neighborhoods by conducting regularly scheduled and ongoing property maintenance inspections to ensure the preservation of property and the protection of life.

Requiring a C of O in order to file an eviction increases the power and effectiveness of the C of O process and incentivizes landlords to maintain the habitability of their residential units. Additionally, eviction proceedings are frequently delayed while it is determined whether a C of O is active for a building in question. This legislation will save on administrative costs by requiring that an active C of O be part of the initial filing at the outset of eviction proceedings.

Currently, landlords of unregulated units can choose to evict responsible, paying tenants without cause and with little notice. This can lead to the destabilization of families and entire neighborhoods. Requiring that landlords provide a justification for eviction allows tenants the right to renew their tenancy and provides protection against unreasonable rent hikes and uninhabitable living conditions, so that all tenants can remain in their housing without the fear of eviction due to retaliation or displacement.

Respectfully submitted,
Council Vice President Mary Lupien
Councilmember Stanley Martin
Councilmember Kim Smith

Introductory No. 94

Local Law Amending the Municipal Code to prohibit eviction with a Certificate of Occupancy or good cause, as amended

MEMORANDUM To: Judith Goldiner and Ellen Davidson
From: Anna Jessurun, LRU Intern 2021, and Sarah Elnahal, LRU Intern 20191
Date: July 23, 2021
Re: Municipal Good Cause Eviction Laws & Preemption

QUESTION PRESENTED Is the Prohibition of Eviction Without Good Cause Law (hereinafter "Good Cause Law") proposed by the Village of New Paltz preempted by state law in New York? **BRIEF ANSWER** No, the Good Cause Law is not preempted by state law. **STATEMENT OF FACTS** The Village of New Paltz is interested in enacting local good cause eviction protections. The Good Cause Law would prohibit most landlords from evicting tenants absent good cause. Good cause can be established by ten grounds for eviction. Notably, the Good Cause Law prohibits non-payment evictions in cases where the rent due results from rent increases or patterns of rent increases that are "unconscionable." Additionally, the law does not include the landlord not wanting to renew the tenant's lease as a basis for good cause. These allowable grounds for eviction are narrower than state law grounds for evictions. See N.Y. REAL PROP. ACTS. § 711 (McKinney 2021) (hereinafter § 711) (describing the state law grounds for evictions proceedings). **DISCUSSION** 1 This memorandum was initially drafted in 2019 and was revised and updated in 2021. 1 While New York municipalities have broad powers to enact laws relating to local property delegated to them by the Article IX of the New York Constitution and the Statute of Local Governments, see N.Y. MUN. HOME RULE § 10 (McKinney 2021), these powers are limited by the preemption doctrine. Local laws are preempted by state law if they conflict with state law (conflict preemption) or if the state legislature intends to "occupy the field" in a specific area of regulation (field preemption). See *Berman v. City of New York*, 37 N.E.3d 82, 86 (N.Y. 2015). While these types of preemption are related, courts analyze them separately. See *Ctr. for Independence of the Disabled v. Transp. Auth.*, 125 N.Y.S.3d 697, 704 (App. Div. 2020). Good cause eviction laws may be challenged in court on the grounds that they are preempted by state law, including § 711 and the Urstadt Law, N.Y. UNCONSOL. § 8605 (McKinney

2021) (hereinafter the Urstadt Law). However, such challenges are unlikely to succeed. This memorandum will address potential preemption challenges and their weaknesses. After first establishing municipalities' affirmative power to enact good cause eviction laws, the following section will explain how the Good Cause Law is neither field nor conflict preempted by state law. I. The Village of New Paltz has the power to enact the Good Cause Law under its home rule powers. Home rule—the law governing the right of localities to control local matters— is a well-established constitutional principle in New York state. See *People ex rel. Metro. S. Ry. Co. v. State Bd. of Tax Comm'rs*, 67 N.E. 69, 70 (N.Y. 1903) (“The principle of the home rule, or the right of self-government as to local affairs, existed before we had a constitution.”). Specifically, Article IX of the New York Constitution protects the home rule and local government power through two avenues. First, it affirmatively gives power to local governments to adopt local laws. 2 Article IX requires the state to create a “statute of local governments” that provides local governments with the power to control local legislation and administration. See N.Y. CONST. art. IX, § 2(b)(1). Consequently, the state legislature enacted the Statute of Local Governments, N.Y. MUN. HOME RULE §§ 1-21 (McKinney 2021), giving quasi-constitutional protection to the home rule. Second, Article IX restricts the state legislature from acting in relation to local governments. Section 2(b)(2) prohibits the state from legislating on issues involving the “property, affairs or government” of any local government except through general law, directed at all localities (“all counties...all cities, all towns, or all villages”), or special law, targeting specific localities. See N.Y. CONST. art. IX, §2(b)(2). If a law is unrelated to the “property, affairs or government” of a local government, the state is free to legislate. While the New York state legislature has used the preemption doctrine to regulate localities or undermine local property laws, the Village of New Paltz has the affirmative power to enact the Good Cause Law. II. The Good Cause Law is not preempted by state law. Home rule power is limited by preemption. As described above, New York courts recognize two types of preemption: field preemption and conflict preemption. This section will describe both types of preemption in turn. A. The Good Cause Law is not field preempted. The state legislature can express its intent to occupy the field expressly or impliedly. See *Garcia v. N.Y.C. Dep't of Health & Mental Hygiene*, 106 N.E.3d 1187, 1200 (N.Y. 2018). State law can explicitly state that local laws in a certain field are prohibited. See, e.g., *Gernatt Asphalt Products, Inc. v. Town of Sardinia*, 664 N.E.2d 1226, 1234-35 (N.Y. 1996). Absent affirmative statutory language, courts may also find that the legislature intended to occupy the field if a statute has a “comprehensive and detailed statutory regime,” particularly if the state has an interest in “state-wide uniformity.” *Garcia*, 106 N.E. at 1200; see, e.g., *People v. DeJesus*, 430 N.E.2d 1260, 1262 (N.Y. 1981) (holding that the state's Alcohol Beverage Control Law was field preemptive). The Good Cause Law is likely not expressly preempted. Challengers may argue that the Urstadt Law expressly preempts the Good Cause Law. The Urstadt Law states that “no local law or ordinance shall hereafter provide for the regulation and control of residential rents and eviction in respect of any housing accommodations which are (1) presently exempt from such regulation and control or (2) hereafter decontrolled either by operation of law or by a city housing rent agency, by order or otherwise.” N.Y. UNCONSOL. § 8605 (McKinney 2021). The First Department recently found that New York City's Living In Communities voucher program (LINC) – which required landlords to add riders to leases that limited rent increases to those allowed by the Rent Guidelines Board – violated the Urstadt Law because LINC had the effect of subjecting new housing units to rent stabilization. See *Alston v. Starrett City, Inc.*, 74 N.Y.S.3d 211, 214 (App. Div. 2018). Other local laws, such as a source-of-income discrimination law and a law preventing evictions on the basis of tenant pet ownership after a certain amount of time, have been found to not be preempted by the Urstadt Law. See, e.g., *Tapia v. Successful Mgmt. Corp.*, 915 N.Y.S.2d 19 (App. Div. 2010); *Rose Water Realty v. Aviv*, 471 N.Y.S.2d 445 (Sup. Ct. 1983). A challenge may argue that the Good Cause Law's limits on rent increase are in violation of the Urstadt Law, but this challenge is unlikely to succeed. Unlike the LINC program in *Alston*, 4 the Good Cause Law does not have the effect of making housing accommodations in New Paltz subject to rent stabilization laws. Specifically, the factors that a court may use to assess unconscionable rent increases under the Good Cause Law do not track the Rent Guidelines Board, unlike the LINC policy. While the Good Cause Law may have economic effects on owners, it does not impose economic restrictions that would amount to the units being under de facto rent regulation. See *Rose Water Realty*, 471 N.Y.S.2d at 450. Additionally, the Good Cause Law is likely not impliedly field preempted, specifically under § 711. Section 711 does not explicitly state an intention to preempt specific local

eviction laws. Thus, a court would look to factors such as the regulatory scheme and need for state uniformity to determine if the state legislature intended to occupy the field of eviction when enacting § 711. In 2000, the Appellate Division found in *Zorn v. Howe* that there is no historical evidence suggesting the state has intended to preempt local laws on eviction. See *Zorn v. Howe*, 716 N.Y.S.2d 128, 130 (App. Div. 2000). In *Zorn*, New York Municipal Code, chapter 177, stated that an eviction proceeding may be maintained when the premises is being “used or occupied for the purpose of using or possessing illegal drugs.” *Id.* at 129. A tenant argued that this local law violated N.Y. REAL. PROP. LAW § 231(1), which states that the owner of a premises can void lease if the property is being use for “illegal trade, manufacture, or other business.” The tenant argued that the state intended to preempt the area of eviction, and since this state law makes no mention of private noncommercial drug use, then local governments cannot allow landlords to evict on that basis. See *id.* The appellate division found that the state never intended to preempt the entire field of eviction, stating, “it is only when the state has evidences desire or design to occupy an 5 entire field to the exclusion of local law that the city is powerless to act.” *Id.* at 131 (citing *People v. Judiz*, 381 N.Y.S.2d 467, 470 (N.Y. 1976)). Under *Zorn*, then, a challenge that § 711 on the grounds that the state legislature intended to occupy the field of eviction would likely fail. Good cause eviction laws in the context of mobile homes have been ruled invalid and preempted by state law, but those cases are distinguishable from general good cause eviction laws. See generally *Halpern v. Sullivan City*, 574 N.Y.S.2d 837 (App. Div. 1991); *Ba Mar, Inc. v. County of Rockland*, 566 N.Y.S.2d 298 (App. Div. 1991). New York Real Property Law § 223 regulates the rights and obligations of mobile home park owners and tenants. See *Halpern*, 574 N.Y.S.2d at 148. In *Ba Mar*, Rockland County adopted a local law requiring a good cause to evict a mobile home owner based on findings that the state law regulating mobile home parks did not adequately safeguard mobile home owners from arbitrary evictions by park owners. See *Ba Mar*, 566 N.Y.S.2d at 300. The *Ba Mar* court notes that, although § 223 does not explicitly preempt the field of mobile home law, the area of mobile home regulation is preempted by the section’s “comprehensive and detailed regulatory scheme.” See *id.* at 299. Since § 223 is broad, covering almost all aspects of mobile home life and regulation, the state’s intent to preempt local law is clear. See *id.* The strongest indicator that the state intended to preempt local laws is that § 223 requires mobile home park owners to register with the state. See *id.* The Good Cause Law, however, would not face the same challenges as the good cause eviction law in the context of mobile home regulation. First, the state legislature more clearly intended to occupy the field of mobile home regulation than it does in the area of evictions generally. The legislature purposely carved out rules and regulations concerning mobile home park owners and tenants based on a series of unfair park owner practices. See *id.* at 302. 6 Regulating mobile home evictions was just one part of a much larger regulatory scheme attempting to prevent the exploitation of mobile home owners. Since the state specifically targeted the mobile park owner/tenant relationship for regulation, isolating it from the general tenant/landlord regulatory scheme, it is clearer that the state intended to occupy the field, which covers mobile home evictions. In the context of general eviction law, there is no specific legislative carve out for evictions that would show an intention to occupy the field. Even when the state made changes to evictions in the Housing Stability and Tenant Protection Act of 2019, they did so in the context of general rent reform and did not alter § 711 on appropriate grounds for eviction. Thus, the state does not intend to occupy the field of evictions as clearly as it does with mobile home regulation. B. The Good Cause Law is not conflict preempted. Conflict preemption is “generally found only ‘when the State specifically permits the conduct prohibited at the local level’ or there is some other indication that deviation from state law is prohibited.” *Garcia*, 106 N.E.3d at 1200 (quoting *New York State Club Ass’n v. City of New York*, 505 N.E.2d 915, 920 (N.Y. 1987)). This rule is tempered by two considerations. First, New York courts consistently affirm that state and local governments can have rules governing the same subject matter. In *Ba Mar*, the court stated, “[t]he mere fact that both the state and local governments seek to regulate the same subject matter does not, in and of itself, render the local legislation invalid on preemption grounds.” See *Ba Mar*, 566 N.Y.S.2d at 305. Courts often cite this proposition to permit specific laws in areas that the state has legislated in more broadly. See *Jancyn Mfg. Corp. v. County of Suffolk*, 518 N.E.2d 903, 906 (N.Y. 1987); see also *Zorn*, 716 N.Y.S.2d at 131. In *Zorn*, the court further asserted such an understanding of New York Real Property Law § 231(1) would overly restrain localities, reaffirming that “situations may arise where laws of state-wide application are appropriately tailored by municipalities to fit their own peculiarly local needs.” *Id.* (citing *Kahmhi v.*

Yorktown, 547 N.E.2d 346, 349 (N.Y. 1989)). Thus, in the context of eviction law, even though the state has passed § 711 regulating evictions, it does not automatically bar localities from issuing their own eviction ordinances tailored to their needs. Second, courts regularly uphold local laws regulating specifics of an area of law on which the state statute is silent. In Zorn, the court noted that courts traditionally uphold local laws that speak to details not touched on by a related statute. See Zorn, 716 N.Y.S.2d at 132. According to the court, it is appropriate for a local law to supplement, rather than supplant, state legislation. See *id.*; see also *Matter of JIJ Realty Corp. v. Costello*, 658 N.Y.S.2d 92 (App. Div. 1997) (a state law dealing with petroleum storage did not preempt a zoning ordinance prohibiting the storage of petroleum products). In *Jancyn Manufacturing Corp. v. County of Suffolk*, 524 N.Y.S.2d 8 (N.Y. 1987), a state law required manufacturers of cesspool additives to provide information on the environmental impact of their product. See *id.* at 14. Then, a local law prohibited the sale of all cesspool additives, which was challenged by a manufacturer. See *id.* Since an accompanying declaration by the legislature claimed that the state’s goal was to prevent pollution of water sources through the sewage system, and there is no explicit intent to create a uniform protective system of the water supply, the court asserted that the local law, although more restrictive than the state law, is proper. See *id.* at 16. In the context of eviction law, the Good Cause Law would serve to supplement, not supplant, § 711. Section 711 limits the grounds on which a landlord can bring a special eviction proceeding against a tenant. The Good Cause Law would further supplement those limitations by requiring the presence of additional elements before a tenant can be removed. As in *Jancyn*, there is no indication that the state wanted to create a uniform system for allowable evictions. While the state law is limiting a locality’s ability to allow evictions beyond the grounds provided, it does not suggest that localities cannot impose further limitations. Similarly, in *Garcia*, the Court of Appeals held that a local law requiring children to have influenza vaccines to attend school did not conflict with the state law outlining the mandatory vaccinations for children, N.Y. PUB. HEALTH § 2164 (*McKinney* 2021), because nothing in the statute suggested that the state law list was exclusive. See *Garcia*, 106 N.E. at 841. Thus, the Good Cause Law would not be impermissibly inconsistent, i.e., conflict, with state law. The mobile homes cases provide another useful comparison for conflict preemption. The *Ba Mar* court noted that even if it found the state did not intend to preempt the field of mobile home park regulation, the local law is also inconsistent with § 223 by prohibiting actions that are “permissible under state law,” rendering the local law invalid. See *Ba Mar*, 566 N.Y.S.2d 307. Specifically, the local law does not list holdover tenancy as a grounds for eviction whereas § 223 was specifically amended to allow for holdover tenant evictions. See *id.* at 308. General good cause protections, by contrast, would not be inconsistent with § 711. New York Real Property Law § 223 on mobile home eviction explicitly states that manufactured home park owners “may not evict a tenant other than” the following reasons listed. This shows an explicit intention to control the grounds for eviction. The statutory language in § 711 does not use the same limiting and definitive language. Section 711 states, “A specially proceeding may be maintained under this article upon the following grounds...” See N.Y. REAL PROP. ACTS. § 711. The language “may be maintained” is less restrictive and does not demonstrate a similar desire to control general eviction as does the language used in § 223. Thus, local governments have more room to create local rules that limit aspects of § 711 without being wholly inconsistent with the law. CONCLUSION The Good Cause Law will likely not be found to be preempted by state law.

New York State Department of State Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001 www.dos.ny.gov

Local Law Filing (Use this form to file a local law with the Secretary of State.) Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter. County X City Town Village (select one:) of City of Rochester
Introductory Local Law No. of the year 2022 A LOCAL LAW TO PROHIBIT EVICTION WITHOUT A CERTIFICATE OF OCCUPANCY OR GOOD CAUSE Be it enacted by the Rochester City Council as follows: [Name of Legislative Body] LOCAL LAW # 14 OF ROCHESTER CITY COUNCIL TO PROHIBIT EVICTION WITHOUT A CERTIFICATE OF OCCUPANCY OR

GOOD CAUSE JUSTIFICATION: The New York State Housing Stability and Tenant Protection Act (“HSTPA”) passed in 2019 provides protections for tenants that have the effect of delaying the initiation of an eviction proceeding. Excluded from the HSTPA is any requirement for landlords or property owners to provide a justification for said eviction or removal of tenants from housing accommodations in the City of Rochester. Thousands of regulated tenants in the City of Rochester already benefit from good cause eviction protections; however, the vast majority of tenants in Rochester are unregulated and lack these protections. This legislation seeks to expand these protections and bridge that gap. Good cause eviction law shall prohibit a landlord from removing a tenant from a housing accommodation without an order from a judge who decides whether or not the eviction is for a good cause. Eviction proceedings are frequently delayed while it is determined whether a Certificate of Occupancy is active for a building in question. Section 38-1 will save significantly on administrative costs by making the filing of an active Certificate of Occupancy part of what the landlord files at the outset of the eviction proceedings. SUMMARY: A local law adding a new article 38 of the Rochester City Code to prohibit evictions from occurring during any period of noncompliance with Rochester City Code § 90-16; and prohibiting evictions without good cause. STATEMENT OF AUTHORITY This local law is authorized by Municipal Home Rule Law (chapter 36-a of the Consolidated Laws of the State of New York) and the General City Law (chapter 21 of the Consolidated Laws of the State of New York) LOCAL LAW # ____ OF THE CITY OF ROCHESTER ADDING CHAPTER 38 to the ROCHESTER CITY CODE: PROHIBITION OF EVICTIONS WITHOUT A CERTIFICATE OF OCCUPANCY OR GOOD CAUSE Section 1. Section 1 of Chapter 38 (Tenant Protections) of Part II (General Ordinances) of the Code of the City of Rochester is hereby amended by adding Chapter 38 Section 1, to read as follows: § 38-1 Short Title. This Section shall be cited as the “Prohibition of Eviction Without a Certificate of Occupancy”. §38-1 A Special rules for eviction proceeding Filing of Certificate of Occupancy Required. No action for eviction may be commenced without the Petitioner’s having submitted to the Court a copy of a valid up to date Certificate of Occupancy issued according to § 90-16 of this Code for the rental dwelling unit of which the Petitioner is seeking possession, or an allegation that revocation of said Certificate of Occupancy was done in violation of this chapter, or clear and convincing evidence that renewal of said Certificate of Occupancy is being pursued in good faith.

§38-1 B Collection of Rents No landlord, building manager, owner, agent, or other person in charge - referred to as “landlord” hereafter -- shall collect rents during any period of noncompliance with § 90-16 of Rochester City Code which would otherwise be due and owing for the rental of premises unless and until the landlord shall have complied with the provisions herein. Nothing herein shall be construed to prevent a landlord, upon receipt of the rental property registration, from receiving the equitable value of the occupancy of the premises from the earliest date of occupancy, but in no event shall a landlord recover in excess of the agreed rent. Failure on the part of the tenant to pay the equitable value of the occupancy of the premises from the earliest date of occupancy until the landlord’s receipt of the rental property registration may not be used as a basis for eviction. Section 2. Section 2 of Chapter 38 (Tenant Protections) of Part II (General Ordinances) of the Code of the City of Rochester is hereby amended by adding an Section 2 of Chapter 38, entitled “Prohibition of Eviction Without Good Cause,” to read as follows: Chapter 38, Section 2 -Prohibition of Eviction Without Good Cause § 38-2 A Short Title. This Section shall be cited as the “Prohibition of Eviction Without a Good Cause Law.” § 38-2 B DEFINITIONS 1. The term “housing accommodation,” as used in this article, shall mean any residential premises located in the City of Rochester. 2. The term “landlord,” as used in this article, shall mean any owner, lessor, sublessor, assignor, or other person receiving or entitled to receive rent for the occupancy of any housing accommodation or an agent of any of the foregoing. 3. The term “tenant” as used in this article shall mean a tenant, sub-tenant, lessee, sublessee, assignee, an occupant of a rooming house or hotel as defined in section seven hundred eleven of the Real Property Actions and Proceedings Law or any other person entitled to the possession, use or occupancy of any housing accommodation. 4. The term “rent” as used in this article shall mean any consideration, including any bonus, benefit or gratuity demanded or received for or in connection with the possession, use or occupancy of housing accommodations or the execution or transfer of a lease for such housing accommodations. 5. The term “disabled person” as used in this article shall mean a person who has any condition which substantially limits one or more of such person’s major life

activities, and which are expected to be either permanent or to last for more than six months; or a person who is regarded to have such an impairment.

§ 38-2 C APPLICABILITY: This article shall apply to all housing accommodations except: 1. Owner-occupied premises with less than two units; 2. Premises where the possession, use or occupancy of which is solely incident to employment and such employment is being lawfully terminated; and 3. Premises otherwise subject to regulation of rents or evictions pursuant to state or federal law to the extent that such state or federal law requires “good cause” for termination or nonrenewal of such tenancies. § 38-2 D NECESSITY FOR GOOD CAUSE: No landlord shall, by action to evict or to recover possession, by exclusion from possession, by failure to renew any lease, or otherwise, remove any tenant from housing accommodation except for good cause as defined in section § 38-2 E of this chapter. § 38-2 E GROUNDS FOR REMOVAL OF TENANTS 1. No landlord shall remove a tenant from any housing accommodation, or attempt such removal or exclusion from possession, notwithstanding that the tenant has no written lease or that the lease or other rental agreement has expired or otherwise terminated, except upon order of a court of competent jurisdiction entered in an appropriate judicial action or proceeding in which the petitioner or plaintiff has established through the provision of clear and convincing evidence one of the following grounds as good cause for removal or eviction: (a) The tenant has failed to pay rent due and owing, provided, however, that the rent due and owing, or any part thereof, did not result from a rent increase or pattern of rent increases which, regardless of the tenant's prior consent, if any, is unreasonable or imposed for the purpose of circumventing the intent of this article. In determining whether all or part of the rent due and owing is the result of an unconscionable rent increase or pattern of rent increases, the Court may consider, among other factors, i) the rate of the increase relative to the tenant's ability to afford said increase, ii) improvements made to the subject unit or common areas serving said unit, iii) whether the increase was precipitated by the tenant engaging in the activity described at section 223-b (1(a)-(c) of the Real Property Actions and Proceedings Law, iv) significant market changes relevant to the subject unit, and v) the condition of the unit or common areas serving the unit, and it shall be a rebuttable presumption that the rent for a dwelling not protected by rent regulation is unconscionable or imposed for the purpose of circumventing the intent of this article if said rent has been increased in any calendar year by a percentage exceeding five percent; (b) The tenant is violating a substantial obligation of their tenancy, other than the obligation to surrender possession, and has failed to cure such violation after written notice that the violation cease within ten days of receipt of such written notice, provided however, that the obligation of tenancy for which violation is claimed was not imposed for the purpose of circumventing the intent of this article; (c) The tenant is committing or permitting a nuisance in such housing accommodation, or is maliciously or by reason of negligence damaging the housing accommodation; (d) Occupancy of the housing accommodation by the tenant is in violation of or causes a violation of law and the landlord is subject to civil or criminal penalties therefore; provided however that the Department of Neighborhood and Business Development has issued an order requiring the tenant to vacate the housing accommodation. No tenant shall be removed from possession of a housing accommodation on such ground unless the court finds that the cure of the violation of law requires the removal of the tenant and that the landlord did not, through neglect or deliberate action or failure to act, create the condition necessitating the order to vacate. In instances where the landlord does not undertake to cure conditions of the housing accommodation causing such violation of the law, the tenant shall have the right to pay or secure payment in a manner satisfactory to the court, to cure such violation provided that any tenant expenditures shall be applied against rent to which the landlord is entitled. In instances where removal of a tenant is absolutely essential to their health and safety, the removal of the tenant shall be without prejudice to any leasehold interest or other right of occupancy the tenant may have and the tenant shall be entitled to resume possession at such time as the dangerous conditions have been removed. Nothing herein shall abrogate or otherwise limit the right of a tenant to bring an action for monetary damages against the landlord to compel compliance by the landlord with all applicable laws; (e) The tenant has used or permitted the housing accommodation to be used for an illegal purpose; (f) The tenant has unreasonably refused the landlord access to the housing accommodation for the purpose of making necessary repairs or improvements required by law or for the purpose of showing the housing accommodation to a prospective purchaser, mortgagee, or other person having a legitimate interest therein; (g) The landlord seeks in good faith to recover possession of a housing accommodation located

in a building containing fewer than four units because of immediate and compelling necessity for their own personal use and occupancy as their principal residence, or the personal use and occupancy as principal residence of their partner, spouse, parent, child, stepchild, father-in-law or mother-in-law, when no other suitable housing accommodation in such building is available. This paragraph shall permit recovery of only one housing accommodation and shall not apply to a housing accommodation occupied by a tenant who is sixty-two years of age or older or who is a disabled person; 2. A tenant required to surrender a housing accommodation by virtue of the operation of paragraph (7), (8), or (9) of subsection (A) of this section shall have a cause of action in any court of competent jurisdiction for damages, declaratory, and injunctive relief against a landlord or purchaser of the premises who makes a fraudulent statement regarding a proposed use of the housing accommodation. In any action or proceeding brought pursuant to this provision a prevailing tenant shall be entitled to recovery of actual damages, and reasonable attorneys' fees. 3. Nothing in this section shall abrogate or limit the tenant's right, pursuant to section seven hundred fifty-one of the Real Property Actions and Proceedings Law, to permanently stay the issuance or execution of a warrant or eviction in a summary proceeding, whether characterized as a nonpayment, objectionable tenancy, or holdover proceeding, the underlying basis of which is the nonpayment of rent, so long as the tenant complies with the procedural requirements of section seven hundred fiftyone of the Real Property Actions and Proceedings Law. § 38-2 F Preservation of existing requirements of law. No action shall be maintainable and no judgment of possession shall be entered for housing accommodations pursuant to this article, unless the landlord has complied with any and all applicable laws governing such action or proceeding and has complied with any and all applicable laws governing notice to tenants including, without limitation, the manner and the time of service of such notice and the contents of such notice. § 38-2 G Waiver of rights void. Any agreement by a tenant heretofore or hereinafter entered into in a written lease or other rental agreement waiving or modifying their rights as set forth in this article shall be void as contrary to public policy. § 38-2 H SEVERABILITY If any provision of this act, or any application of any provision of this act, is held to be invalid, that shall not affect the validity or effectiveness of any other provision of this act, or of any other application of any provision of this act, which can be given effect without that provision or application; and to that end, the provisions and applications of this act are severable.

§ 38-3 I Effective Date This article shall take effect upon final passage and filing with the Secretary of State and shall apply to actions and proceedings commenced on or after such effective date.
February 2022

Failed by the following vote:

Ayes – Vice President Lupien, Councilmembers Martin, Smith – 3.

Nays – President Meléndez, Councilmembers Gruber, Harris, Lightfoot, Patterson, Peo – 6.

By Councilmember Peo

March 15, 2022

To the Council:

The **PARKS & public WORKS committee** recommends for **adoption** the following entitled legislation:

Int. No. 95 Appropriating American Rescue Plan Act funds for the Rundel Memorial Library Exterior Building Envelope Repairs

Int. No. 96 Appropriating American Rescue Plan Act funds for the Erie Harbor Enhancements Phase II project

- Int. No. 97 Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$1,250,000 Bonds of said City to finance the costs of the Erie Harbor Enhancements Phase II project

- Int. No. 98 Appropriating American Rescue Plan Act funds for the 2022 Annual Parking Garage Repair & Reconstruction Project

- Int. No. 99 Appropriating American Rescue Plan Act funds for the Durand Eastman Beach Site Improvements project

- Int. No. 100 Appropriating American Rescue Plan Act funds for the Genesee Firehouse HVAC Upgrades and Window Replacement Project

- Int. No. 101 Appropriating American Rescue Plan Act funds for the Maplewood Nature Center

- Int. No. 102 Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$4,503,000 Bonds of said City to finance the Milling and Resurfacing Project on Chestnut Street (East Broad Street to East Main Street), East Avenue (East Main Street to Alexander Street), and North Goodman Street (Peck Street to Bay Street and Clifford Avenue to City Line)

- Int. No. 103 Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$233,000 Bonds of said City to finance water service improvements associated with the Milling and Resurfacing Project on Chestnut Street (East Broad Street to East Main Street), East Avenue (East Main Street to Alexander Street), and North Goodman Street (Peck Street to Bay Street and Clifford Avenue to City Line)

- Int. No. 104 Authorizing an agreement for the Milling & Resurfacing Project on Chestnut Street (East Broad Street to East Main Street), East Avenue (East Main Street to Alexander Street), and North Goodman Street (Peck Street to Bay Street and Clifford Avenue to City Line)

- Int. No. 105 Authorizing agreements relating to the construction and maintenance of Resiliency and Economic Development Initiative projects

- Int. No. 107 Authorizing agreements, appropriating funds, and amending the 2021-22 Budget for the Cemeteries Records Management Project

The **PARK AND PUBLIC WORKS COMMITTEE** recommends for **CONSIDERATION** the following entitled legislation:

- Int. No. 106 Amending the Official Map by abandoning a portion of the Chace Street right-of-way

Respectfully submitted,
 Jose Peo
 Mitch Gruber
 Willie J. Lightfoot

Mary Lupien (*Abstained on Int. No. 106*)
Miguel Meléndez
PARKS & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2022-75
Re: Rundel Memorial Library Exterior
Building Envelope Repairs

Council Priority: Creating and Sustaining a
Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area:
Fostering Prosperity & Opportunity

Transmitted herewith for your approval is legislation related to the Rundel Memorial Library Exterior Building Envelope Repairs project. This legislation will appropriate \$8,700,000 from the American Rescue Plan Act (ARPA) funding to finance a portion of the costs of the project.

The City of Rochester received a \$202.1 million award from the Coronavirus State and Local Fiscal Recovery Fund established by the American Rescue Plan Act (ARPA). This project is an eligible use of ARPA funding per the following Treasury Guidelines Expenditure Category: 6.1 – Provision of Government Services.

Ordinance No. 2020-81 (March 2020), 2020-80 (March 2020) and 2021-408 (December 2021) authorized \$744,000 bonds for the overall initiative and a professional services agreement with Bero Architecture, PLLC, to evaluate existing conditions, create a phased repair plan for the overall preservation and care of the building exterior envelope, and complete final design, contract documents, and construction administration for phase 1 (west façade repairs) of that plan. The ARPA funding will be utilized to expand the project to include repair, restoration and reconstruction of exterior parapets, limestone and brick masonry, historic windows, and structural framing systems for the east, south and north facades, and high priority structural repairs under the adjacent east terrace.

The Rundel Library, a multi-story, 120,000 square foot facility adjacent to the Genesee River and the historic second Erie Canal aqueduct, was completed in 1936 as a Federal Works Progress Administration (WPA) project, along with the construction of its adjoining elevated terraces. The facility is listed on the National Register of Historic Places and on the New York State Registry. Repair and renovation of this important structure is a critical link in the overall revitalization of Rochester's downtown Genesee River corridor.

This proposed legislation has been developed by the Department of Environmental Services (DES) in collaboration with the Rochester Public Library (RPL).

Procurement of additional professional engineering and architectural design services is anticipated to begin in early 2022. The project will result in the creation and/or retention of the equivalent of 94.6 full-time jobs.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AV-36

Ordinance No. 2022-75
(Int. No. 95)

**Appropriating American Rescue Plan Act funds for the Rundel Memorial Library
Exterior Building Envelope Repairs**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby appropriates the sum of \$8,700,000 provided by the United States Treasury pursuant to the American Rescue Plan Act of 2021 (ARPA) to fund a portion of the costs of the Rundel Memorial Library Exterior Building Envelope Repairs (the Project). For the portion of the Project that consists of the repair, restoration and reconstruction of exterior parapets, limestone and brick masonry, historic windows, and structural framing systems for the east, south and north facades, and high priority structural repairs under the adjacent east terrace, the expenditure of the ARPA funds appropriated herein shall be limited to the procurement of professional design services until such time as an environmental impact review of the Project is completed in accordance with the State Environmental Quality Review Act and City Code Chapter 48.

Section 2. The Mayor is hereby authorized to execute any grant agreement or to provide such other documentation as may be necessary to fund said Project as authorized in Section 1 herein. Any such agreements and documents shall contain such additional terms and conditions as the Mayor deems appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2022-76
Ordinance No. 2022-77
Re: Erie Harbor Enhancements Phase II

Council Priority: Jobs and Economic Development

Comprehensive Plan 2034 Initiative Area:
Sustaining Green & Active Systems

Transmitted herewith for your approval is legislation related to the Erie Harbor Enhancements phase II project. This legislation will:

1. Appropriate \$1,000,000 from the American Rescue Plan Act (ARPA) to fund a portion of the construction of the project; and
2. Authorize the issuance of bonds totaling \$1,250,000 and the appropriation of the proceeds thereof to finance a portion of the construction for the project.

The City of Rochester received a \$202.1 million award from the Coronavirus State and Local Fiscal Recovery Fund established by the American Rescue Plan Act (ARPA). The construction work associated with this project is an eligible use of ARPA funding per the following Treasury Guidelines Expenditure Category: 6.1 Provision of Government Services.

The project will rehabilitate Genesee Gateway Park and the Genesee Riverway Trail within the project area to provide sightlines and access to the waterfront and trail system, enhance public recreational use of the parkland, and provide direct public recreational use of the Genesee River for non-motorized hand carried watercraft.

The project was designed by Stantec Consulting Services, Inc. (James R. Hofmann, PE, Principal, Rochester, New York 14614) authorized by Ordinance No. 2017-136, Ordinance No. 2019-89, and Ordinance No. 2022-51.

Bids for construction were received on January 11, 2022. The apparent low bid of \$5,168,800.00 was submitted by Ramsey Constructors, Inc. (Christopher Ramsey, President, 5711 Gateway Park, Lakeville, New York).

The project will be funded as follows:

Source of Funds	Design	Construction	RPR	Contingency	Total
ARPA funds appropriated herein	0	1,000,000	0	0	\$1,000,000
Bonds appropriated herein	0	1,208,800	0	41,200	\$1,250,000
RG&E grant appropriated Ordinance No. 2022-51	20,000	200,000	0	0	\$220,000
Roc the Riverway/URI funds appropriated Ordinance No. 2019-89	350,000	1,490,000	160,000	0	\$2,000,000
2016-17 Cash Capital	100,000	0	0	0	\$100,000
NYS DOS Grant appropriated Ordinance 2017-136	100,000	0	0	0	\$100,000
NYS DOS Grant Appropriated Ordinance No. 2019-89	0	726,250	123,750	0	\$850,000
Bonds appropriated Ordinance No. 2019-90	0	543,750	156,250	150,000	\$850,000
2020-21 Cash Capital	0	0	60,000	340,000	\$400,000
Total	\$570,000	\$5,168,800	\$500,000	531,200	\$6,770,000

It is anticipated that construction will begin in spring 2022 with scheduled completion in 2023. The additional funding will result in the creation and/or retention of the equivalent of 24.5 full-time jobs.

Respectfully submitted,
Malik D. Evans

Mayor

Attachment No. AV-37

Ordinance No. 2022-76
(Int. No. 96)

Appropriating American Rescue Plan Act funds for the Erie Harbor Enhancements Phase II project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby appropriates the sum of \$1,000,000 provided by the United States Treasury pursuant to the American Rescue Plan Act of 2021 to fund a portion of the costs of the Erie Harbor Enhancements Phase II project (the Project).

Section 2. The Mayor is hereby authorized to execute any grant agreement or to provide such other documentation as may be necessary to fund said Project as authorized in Section 1 herein. Any such agreements and documents shall contain such additional terms and conditions as the Mayor deems appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2022-77
(Int. No. 97)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$1,250,000 Bonds of said City to finance the costs of the Erie Harbor Enhancements Phase II project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance a portion of the costs of construction for the Erie Harbor Enhancements Phase II project which includes rehabilitation of Genesee Gateway Park and the Genesee Riverway Trail to provide sightlines and access to the waterfront and trail system and enhance public recreational use of the parkland, including river access for small, non-motorized watercraft, on the east side of the Genesee River extending from Ford Street to the Frederick Douglass - Susan B. Anthony Bridge Memorial Bridge (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$6,770,000. The plan of financing includes the issuance of \$1,250,000 bonds of the City, which amount is hereby appropriated therefor, \$850,000 from the proceeds of bonds authorized in Ordinance No. 2019-90, \$1,000,000 of American Rescue Plan Act of 2021 funds appropriated in a concurrent ordinance, \$220,000 in anticipated reimbursements from Rochester Gas and Electric Corporation appropriated in Ordinance No. 2022-51, \$2,000,000 in ROC the Riverway/Upstate Revitalization Initiative funds appropriated in Ordinance No. 2019-89; \$850,000 in anticipated reimbursements

from the New York State Department of State appropriated in Ordinance No. 2019-89, \$100,000 in anticipated reimbursements from the New York State Department of State appropriated in Ordinance No. 2017-136, \$100,000 in 2016-17 Cash Capital, \$400,000 in 2020-21 Cash Capital and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$1,250,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City or grants to be received from the State of New York, pursuant to this Ordinance, in the amount of \$1,250,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 3. of the Law, is thirty (30) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such Ordinance 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

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record," a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2022-78
Re: 2022 Annual Parking Garage Repair &
Reconstruction Project

Council Priority: Creating and Sustaining a
Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area:
Fostering Prosperity & Opportunity

Transmitted herewith for your approval is legislation related to the 2022 Annual Parking Garage Repair & Reconstruction Project. This legislation will appropriate \$2,000,000 from the American Rescue Plan Act (ARPA) funding to finance a portion of construction of the project.

The City of Rochester received a \$202.1 million award from the Coronavirus State and Local Fiscal Recovery Fund established by the American Rescue Plan Act (ARPA). This project is an eligible use of ARPA funding per the following Treasury Guidelines Expenditure Category: 6.1 Provision of Government Services.

The project will include repairs and supplemental structural support within the South Avenue and Stone Street Wings of the South Avenue Garage for preserving the safety, structural integrity and service life of the garage. The project will include, but is not limited to, strategic repair and reconstruction of concrete decks, concrete beams and columns, supplemental post-tensioning systems, waterproofing, and expansion joints.

The project was designed through the City's Parking Garage Evaluation and Repair Program by T.Y. Lin International Engineering & Architecture, P.C. as authorized in July 2020 by Ordinance No. 2020-224.

This proposed legislation has been developed by the Department of Environmental Services (DES) in collaboration with the Parking and Municipal Codes Violation Bureau.

Construction is anticipated to begin in summer 2022. The project will result in the creation

and/or retention of the equivalent of 21.7 full-time jobs.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AV-38

Ordinance No. 2022-78
(Int. No. 98)

Appropriating American Rescue Plan Act funds for the 2022 Annual Parking Garage Repair & Reconstruction Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby appropriates the sum of \$2,000,000 provided by the United States Treasury pursuant to the American Rescue Plan Act of 2021 to fund the 2022 Annual Parking Garage Repair & Reconstruction project (Project).

Section 2. The Mayor is hereby authorized to execute any grant agreement or to provide such other documentation as may be necessary to fund the Project as authorized in Section 1 herein. Any such agreements and documents shall contain such additional terms and conditions as the Mayor deems appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2022-79
Re: Durand Eastman Beach Site
Improvements

Council Priority: Creating and Sustaining a
Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area:
Fostering Prosperity & Opportunity

Transmitted herewith for your approval is legislation related to the Durand Beach Site Improvements project. This legislation will appropriate \$1,700,000 from the American Rescue Plan Act (ARPA) funding to finance a portion of the costs of the project.

The City of Rochester received a \$202.1 million award from the Coronavirus State and Local Fiscal Recovery Fund established by the American Rescue Plan Act (ARPA). This initiative was included in the City of Rochester Strategic Equity and Recovery Plan, shared with City Council on September 29, 2021. This project is an eligible use of ARPA funding per the following

Treasury Guidelines Expenditure Category: 3.13 Social Determinants of Health – Other because the project serves a “disproportionally impacted community” and where the primary intended beneficiaries live within a Qualified Census Tract.

The project will include an update to the 2007 Durand Eastman Park Beach Master Plan, intended to address drainage improvements, erosion control measures, restoration of eroded slopes and trails, site infrastructure and amenities, park space improvements, accessible and safe beach access, picnic areas, shelters and a bus stop. These recommendations will be implemented as funding becomes available. The masterplan will be developed in conjunction with the Durand Eastman Park Beach House design that is currently underway utilizing a New York State Department of State (NYS DOS) grant appropriated in Ordinance 2021-297.

This proposed legislation has been developed by the Department of Environmental Services (DES) in collaboration with the Department of Recreation and Human Services (DRHS).

Procurement of additional professional engineering design services is anticipated to begin in early 2022. The project will result in the creation and/or retention of the equivalent of 18.5 fulltime jobs.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AV-39

Ordinance No. 2022-79
(Int. No. 99)

Appropriating American Rescue Plan Act funds for the Durand Eastman Beach Site Improvements project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby appropriates the sum of \$1,700,000 provided by the United States Treasury pursuant to the American Rescue Plan Act of 2021 (ARPA) to fund a portion of the costs of the Durand Eastman Beach Site Improvements project, which shall address drainage improvements, erosion control measures, the restoration of eroded slopes and trails, site infrastructure and amenities, park space improvements, accessible and safe beach access, picnic areas, shelters and a bus stop (the Project). The expenditure of the ARPA funds appropriated herein shall be limited to the procurement of professional design services until such time as an environmental impact review of the Project is completed in accordance with the State Environmental Quality Review Act and City Code Chapter 48.

Section 2. The Mayor is hereby authorized to execute any grant agreement or to provide such other documentation as may be necessary to fund said Project as authorized in Section 1 herein. Any such agreements and documents shall contain such additional terms and conditions as the Mayor deems appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2022-80
Re: Genesee Firehouse HVAC Upgrades and
Window Replacement Project

Council Priority: Jobs and Economic Development

Comprehensive Plan 2034 Initiative Area:
Sustaining Green and Active Systems

Transmitted herewith for your approval is legislation related to the Genesee Firehouse/Engine #7 HVAC Upgrades and Window Replacement. This legislation will appropriate \$340,000 from the American Rescue Plan Act (ARPA) funding to fund a portion of the construction.

The City of Rochester received a \$202.1 million award from the Coronavirus State and Local Fiscal Recovery Fund established by the American Rescue Plan Act (ARPA). This initiative was included in the City of Rochester Strategic Equity and Recovery Plan, shared with City Council on September 29, 2021. This project is an eligible use of ARPA funding per the following Treasury Guidelines Expenditure Category: 6.1 Provision of Government Services.

The Genesee Firehouse HVAC Upgrades and Window Replacement Project will replace the firehouse windows and HVAC system. The windows are original to the construction of the firehouse in 1913. The existing boiler was installed in 2002 and is at the end of its useful life. The boiler will be replaced with three high efficiency furnaces. The project also includes, but is not limited to, replacement of individual window mounted air conditioners with a high efficiency centralized air conditioning system.

Funding Source	Design	Construction	Total
Bond authorization – Ord. No. 2020-363 PSA authorization – Ord. No. 2020-362	110,000	240,000	\$350,000
ARPA funds appropriated herein	0	340,000	\$340,000
Total	\$110,000	\$580,000	\$690,000

This proposed legislation has been developed by the Department of Environmental Services (DES) in collaboration with the Rochester Fire Department (RFD).

Construction is anticipated to begin in fall 2022 with substantial completion in spring 2023. The project will result in the creation and/or retention of the equivalent of 7.5 full-time jobs.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AV-40

Ordinance No. 2022-80
(Int. No. 100)

Appropriating American Rescue Plan Act funds for the Genesee Firehouse HVAC Upgrades and Window Replacement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby appropriates the sum of \$340,000 provided by the United States Treasury pursuant to the American Rescue Plan Act of 2021 to fund a portion of the costs of the Genesee Firehouse HVAC Upgrades and Window Replacement Project to upgrade the heating, ventilation and air conditioning system and replace windows for the Rochester Fire Department Firehouse located at 885 Genesee Street (the Project).

Section 2. The Mayor is hereby authorized to execute any grant agreement or to provide such other documentation as may be necessary to fund said Project as authorized in Section 1 herein. Any such agreements and documents shall contain such additional terms and conditions as the Mayor deems appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No.2022-81
Re: Maplewood Nature Center

Council Priority: Creating and Sustaining a
Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area:
Sustaining Green and Active Systems

Transmitted herewith for your approval is legislation related to the Maplewood Nature Center. This legislation will appropriate \$5,525,000 from the American Rescue Plan Act (ARPA) funding to finance the project.

The City of Rochester received a \$202.1 million award from the Coronavirus State and Local Fiscal Recovery Fund established by the American Rescue Plan Act (ARPA). This initiative was included in the City of Rochester Strategic Equity and Recovery Plan, shared with City Council on September 29, 2021. This project is an eligible use of ARPA funding per the following Treasury Guidelines Expenditure Category: 3.13 Social Determinants of Health- Other (because the project serves a “disproportionally impacted community” and where the primary intended beneficiaries live within a Qualified Census Tract).

The structure currently housing the Maplewood Training Center was built in 1945 in upper Maplewood Park, which was designed by Frederick Law Olmsted and highlights the Genesee River. This building has been re-purposed a number of times and has previously been utilized as a recreation center and a police station. The City of Rochester offers a number of nature and

environmental education programs, but lacks a facility equipped to provide specialized programming in a comprehensive manner. The renovation of this structure and enhancement of the adjacent parkland to serve as a Nature Center will provide an activated connection between the Genesee River and the surrounding neighborhoods and the city as a whole. A new playground adjacent to the proposed Nature Center is a separate, coordinated project.

This proposed legislation has been developed by the Department of Environmental Services (DES) in collaboration with the Department of Recreation and Human Services (DRHS).

A Request for Proposals (RFP) is anticipated to be issued in early 2022 for professional engineering and architectural services. The study will result in the creation and/or retention of the equivalent of 60.0 full-time jobs.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AV-41

Ordinance No. 2022-81
(Int. No. 101)

Appropriating American Rescue Plan Act funds for the Maplewood Nature Center

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby appropriates the sum of \$5,525,000 provided by the United States Treasury pursuant to the American Rescue Plan Act of 2021 (ARPA) to fund the Maplewood Nature Center project consisting of the renovation of an existing building and enhancement of adjacent parkland located in upper Maplewood Park (the Project). The expenditure of the ARPA funds appropriated herein shall be limited to the procurement of professional design services until such time as an environmental impact review of the Project is completed in accordance with the State Environmental Quality Review Act and City Code Chapter 48.

Section 2. The Mayor is hereby authorized to execute any grant agreement or to provide such other documentation as may be necessary to fund said Project as authorized in Section 1 herein. Any such agreements and documents shall contain such additional terms and conditions as the Mayor deems appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2022-82
Ordinance No. 2022-83
Ordinance No. 2022-84
Re: Milling and Resurfacing Project
Chestnut Street (East Broad Street to
East Main Street), East Avenue (East

Main Street to Alexander Street), North
 Goodman Street (Peck Street to Bay Street
 and Clifford Avenue to City Line)

Council Priority: Jobs and Economic Development

Comprehensive Plan 2034 Initiative Area:
 Sustaining Green and Active Systems

Transmitted herewith for your approval is legislation related to the Milling and Resurfacing Project, which includes segments of Chestnut Street, East Avenue and North Goodman Street as described above. This legislation will:

1. Authorize the issuance of street bonds totaling \$4,503,000 and the appropriation of the proceeds thereof to finance the street portion of the construction and Resident Project Representation (RPR) services for the project; and,
2. Authorize the issuance of water bonds totaling \$233,000 and the appropriation of the proceeds thereof to finance the water portion of the construction and RPR services for the project; and,
3. Establish \$500,000 as maximum compensation for a professional services agreement with CPL Architects, Engineers, Landscape Architect and Surveyor, D.P.C. (Todd M. Liebert, C.E.O., 205 Saint Paul Street, Rochester, New York) for RPR services for the project. The cost of the agreement will be funded from the sources outlined in the chart on the following page.

The project includes milling and resurfacing of the pavement, spot curb replacements, installation or upgrade of sidewalk curb ramps, adjustment and repair of manholes, receiving basins, and water valve castings, replacement of traffic pavement markings and the addition of on-street bicycle facilities. These improvements will enhance the surface drainage and riding quality of the roadway, improve ADA accessibility, and expand the useful life of the pavement structure.

The project was designed by Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. as authorized by Ordinance No. 2021-113.

CPL Architects, Engineers, Landscape Architect and Surveyor, D.P.C. was selected for RPR Services through a Request for Proposal process, which is described in the attached summary.

Bids for construction were received on February 1, 2022. The apparent low bid of \$4,649,885 was submitted by Villager Construction, Inc. (Timothy O. Lawless, President, 425 Old Macedon Center Road, Fairport, New York 14450).

The project will be funded as follows:

Source of Funds	Design	Construction	Street Lighting	RPR	Total
Bonds appropriated Ordinance No. 2021-112	300,000	0	0	0	\$300,000
Bonds authorized herein	0	4,017,000	36,000	450,000	\$4,503,000
Water bonds authorized herein	0	212,457.28	0	20,542.72	\$233,000

2019-20 Cash Capital	55,000	0	0	0	\$55,000
2021-22 Cash Capital	0	123,710.42	200,000	29,457.28	\$353,167.70
Pure Waters Reimbursement appropriated Ordinance No. 2020-360	0	200,000	0	0	\$200,000
Pure Waters Reimbursement appropriated Ordinance No. 2021-85	0	96,717.30	0	0	\$96,717.30
Total	\$355,000	\$4,649,885	\$236,000	\$500,000	\$5,740,885

Construction is anticipated to begin in spring 2022 with substantial completion in fall 2022. The construction of the project will result in the creation and/or retention of the equivalent of 58.5 full-time jobs.

The term of the agreement shall extend until three (3) months after completion of a two-year guarantee inspection of the project.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AV-42

Ordinance No. 2022-82
(Int. No. 102)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$4,503,000 Bonds of said City to finance the Milling and Resurfacing Project on Chestnut Street (East Broad Street to East Main Street), East Avenue (East Main Street to Alexander Street), and North Goodman Street (Peck Street to Bay Street and Clifford Avenue to City Line)

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance a portion of the cost of a Milling and Resurfacing Project that consists of pavement milling and resurfacing, spot curb replacements, installation or upgrade of sidewalk curb ramps, adjustment and repair of manholes and receiving basins, replacement of traffic pavement markings and the addition of on-street bicycle facilities along Chestnut Street (East Broad Street to East Main Street), East Avenue (East Main Street to Alexander Street), and North Goodman Street (Peck Street to Bay Street and Clifford Avenue to City Line) (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$5,489,382.29. The plan of financing includes the issuance of \$4,503,000 bonds of the City, which amount is hereby appropriated for the Project,

\$300,000 in the proceeds of bonds appropriated in Ordinance No. 2021-112, \$38,800 from 2019-20 Cash Capital, \$350,864.99 from 2021-22 Cash Capital, \$200,000 from Monroe County Pure Waters reimbursements for sewer work associated with street improvement projects appropriated in Ordinance No. 2020-360, \$96,717.30 from Monroe County Pure Waters sewer work reimbursements for street improvement projects appropriated in Ordinance No. 2021-85 and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$4,503,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$4,503,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 20(c) of the Law, is fifteen (15) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such Ordinance 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

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record," a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

Ordinance No. 2022-83
(Int. No. 103)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$233,000 Bonds of said City to finance water service improvements associated with the Milling and Resurfacing Project on Chestnut Street (East Broad Street to East Main Street), East Avenue (East Main Street to Alexander Street), and North Goodman Street (Peck Street to Bay Street and Clifford Avenue to City Line)

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of water service improvements associated with the Milling and Resurfacing Project on Chestnut Street (East Broad Street to East Main Street), East Avenue (East Main Street to Alexander Street), and North Goodman Street (Peck Street to Bay Street and Clifford Avenue to City Line) (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$251,502.71. The plan of financing includes the issuance of \$233,000 bonds of the City, which amount is hereby appropriated for the Project, \$16,200 from 2019-20 Cash Capital, \$2,302.71 from 2021-22 Cash Capital and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$233,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$233,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 1 of the Law, is forty (40) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision

shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such Ordinance 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

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record," a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

Ordinance No. 2022-84
(Int. No. 104)

Authorizing an agreement for the Milling & Resurfacing Project on Chestnut Street (East Broad Street to East Main Street), East Avenue (East Main Street to Alexander Street), and North Goodman Street (Peck Street to Bay Street and Clifford Avenue to City Line)

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with CPL Architects, Engineers, Landscape Architect and Surveyor, D.P.C. for Resident Project Representation services related to the Milling & Resurfacing Project for Chestnut Street (East Broad Street to East Main Street), East Avenue (East Main Street to Alexander Street), and North Goodman Street (Peck Street to Bay Street and Clifford Avenue to City Line) (the Project). The maximum compensation shall be \$500,000, which shall be funded in the amounts of \$450,000 from the proceeds of bonds appropriated for the Project in a concurrent ordinance, \$20,542.72 from the bonds appropriated for water service improvements associated with the Project in another

concurrent ordinance and \$29,457.28 in 2021-22 Cash Capital. The term of the agreement shall extend until 3 months after completion of the two-year guarantee inspection of the Project.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No.2022-85

Re: Agreement – Rochester Yacht Club and
T & S Holding Corp., Resiliency and
Economic Development Initiative (REDI)

Comprehensive Plan 2034 Initiative Area:
Sustaining Green & Active Systems

Transmitted herewith for your approval is legislation related to the New York State Resiliency and Economic Development Initiative (REDI). This legislation will authorize agreements with the Rochester Yacht Club and T & S Holding Corp. to reconstruct and improve waterfront structures along the west and east sides of the Genesee River located in the City of Rochester, Town of Irondequoit and Monroe County as part of the REDI initiative.

New York State launched the REDI program in May 2019 to meet the needs of State residents living in the eight (8) counties impacted by Lake Ontario and St. Lawrence River flooding. The \$300 million program is intended to repair damage caused by previous flood events and to increase the resiliency of municipal shoreline facilities to protect against anticipated future high water events. Council authorized the application for funding and agreements with New York State in December 2019 (Ordinance No. 2019-376), professional services agreement with Ramboll US Corporation for design of the project (Ordinance No. 2020-140), inter-municipal agreements with the Town of Irondequoit and Monroe County (Ordinance No. 2020-201), and an agreement with the United States Coast Guard (USCG) (Ordinance No. 2021-243).

The west side REDI project includes an approximate 2,900 feet of shoreline consisting of parcels owned by the City, USCG and private owners. The west side project will provide continuous flood protection along the riverbank, upgrades to the floating dock system in the City's marina, and updates to the land side storm sewer system and utilities to better handle any future storm water intrusion.

The east side REDI project includes an approximate 975 feet of shoreline consisting of parcels owned by the City, Town of Irondequoit, Monroe County, New York State and the USCG. The east side project will provide continuous flood protection along the riverbank and updates to the land side storm sewer system and utilities to better handle any future storm water intrusion.

The agreement with the Rochester Yacht Club will include terms for construction access / easement, long term maintenance, and other terms as needed to implement the project.

The agreement with T & S Holding Corp. will include terms for construction access / easement,

long term maintenance, cost sharing, and other terms as needed to implement the project.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AV-43

Ordinance No. 2022-85
(Int. No. 105)

Authorizing agreements relating to the construction and maintenance of Resiliency and Economic Development Initiative projects

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester Yacht Club (RYC) to provide for the construction, restoration, improvement and maintenance of waterfront structures along the east side of the Genesee River as part of the Resiliency and Economic Development Initiative (REDI). The agreement may include terms for construction and maintenance access and easements, long term maintenance and such other terms as are necessary or appropriate to implement the REDI projects on or in the vicinity of RYC's properties.

Section 2. The Mayor is hereby authorized to enter into an agreement with T & S Holding Corp. (T & S) to provide for the construction, restoration, improvement and maintenance of waterfront structures along the west side of the Genesee River as part of the REDI. The agreement may include terms for construction and maintenance access and easements, long term maintenance and such other terms as are necessary or appropriate to implement the REDI projects on or in the vicinity of T & S's properties.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2022-86
Re: Official Map Amendment – Chace Street
Partial Abandonment

Council Priority: Reinforcing Strong Neighborhoods
and Fostering Prosperity & Opportunity

Transmitted herewith for your approval is legislation related to the amending of Chace Street Right-of-way (ROW). This legislation will amend the Official Map by abandoning the western portion of the Chace Street ROW, measuring 0.173 acres, beginning at the easterly line of Aab Street and continuing easterly for approximately 164 feet.

Upon abandonment, the ROW becomes a parcel that will revert to the adjoining property owner, in this case, the City of Rochester. The Rochester City School District (RCSD) plans to utilize the new parcel to provide safer access for School No. 54 by combining the contiguous City parcels.

The abandonment shall take effect upon the compliance by the applicant with the recommendations and conditions established by the City Planning Commission. The City Planning Commission, at its January 31, 2022 meeting recommended approval of this abandonment by a vote of 6-0-0. Minutes of that meeting, along with the application, are attached. The partial abandonment of Chace Street was endorsed by the Traffic Control Board on November 3, 2021.

A public hearing is required.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AV-44

Ordinance No. 2022-86
(Int. No. 106)

Amending the Official Map by abandoning a portion of the Chace Street right-of-way

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 76 of the Municipal Code, Official Map, as amended, is hereby further amended by changing and deleting therefrom the following described property, heretofore dedicated to street purposes and constituting the western portion of Chace Street:

Legal Description

All that tract or parcel of land, situated in the City of Rochester, County of Monroe, and State of New York part of Town Lot 65 of the 20,000 acre tract, Township 1, Short range, being particularly bounded and located as follows: Beginning at the intersection of the northerly right of way for Chace Street (46' wide) with the easterly right of way for Aab Street (56' wide); thence

- 1) N 89°25'43" E along the northerly right of way line of Chace Street a distance of 164.00 feet to a point; thence,
- 2) S 0°29'42" E through the right of way of Chace Street a distance of 46.00 feet to a point being on the southerly right of way line of Chace Street; thence,
- 3) S 89°25'43" W along the southerly right of way line of Chace Street a distance of 164.00 feet to a point, said point being the intersection of the southerly right of way line of Chace Street with the easterly right of way line of Aab Street; thence,
- 4) N 0°29'42" W a distance of 46.00 feet to the POINT AND PLACE OF BEGINNING,

containing 7544 sf or 0.173 acres of land more or less.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

AYES – President Meléndez, Councilmembers Gruber, Lightfoot, Martin, Patterson, Peo, Smith – 7.
NAYS – None – 0.

Vice President Lupien and Councilmember Harris abstained due to a professional relationship.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2022-87
Re: Grant Authorization, Agreement – GLC
Business Services, LLC Cemeteries
Records Management Consultant Services,
And Budget Amendment

Comprehensive Plan 2034 Initiative Area:
Fostering Prosperity and Opportunity

Transmitted herewith for your approval is legislation related to Cemeteries Records Management project. This project will procure services of a consultant to provide records management services for the City of Rochester Cemeteries Division. This legislation will:

1. Authorize a grant agreement in the amount of \$35,295 with New York State Archives for grant period 2021-22; and,
2. Establish \$35,075 as maximum compensation for an agreement with GLC Business Services, LLC (John Hayes, C.E.O., 28 Prince Street, Rochester, New York) to provide records management consultant services. The cost of this agreement will be funded by the grant appropriated above; and,
3. Amend the 2021-22 Budget of Department of Environmental Services by \$35,300 to reflect the receipt and use of the grant proceeds.

This project was awarded funding through the Local Government Records Management Improvement Fund (LGRMIF) grant program by New York State Archives. This project includes inventorying and organizing all active and inactive records at Mount Hope Cemetery and Riverside Cemetery according to New York State archives retention and disposition schedule, produce Records Management and Policy Procedures handbook and train staff on records management procedures.

GLC Business Services, LLC was selected through a request for proposal process described in the attached summary. The term of this agreement is expected to begin in spring 2022 and end late 2022, but the agreement will not exceed a year under any circumstances.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AV-45

Ordinance No. 2022-87
(Int. No. 107)

Authorizing agreements, appropriating funds, and amending the 2021-22 Budget for the Cemeteries Records Management Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Archives for the receipt and use of grant funds in the amount of \$35,295 to fund the Cemeteries Records Management project (Project). The term of the agreement shall be up to one year.

Section 2. Ordinance No. 2021-174, the 2021-22 Budget of the City of Rochester, as amended, is hereby further amended to increase the revenue estimates and appropriations to the Budget of the Department of Environmental Services (DES) by \$35,300 to account for the receipt and use of funds appropriated in Section 1 herein.

Section 3. The Mayor is hereby authorized to enter into a professional services agreement with GLC Business Services, LLC to provide records management consultant services related to the Project. The maximum cost of the agreement shall be \$35,075, which shall be funded from the 2021-22 Budget of DES. The term of the agreement shall be up to one year.

Section 4. The agreements authorized herein shall contain such additional terms and conditions as the Mayor deems appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

By President Meléndez
March 15, 2022

To the Council:

The **PUBLIC SAFETY COMMITTEE** recommends for **ADOPTION** the following entitled legislation:

- | | |
|--------------|---|
| Int. No. 108 | Authorizing an agreement for the provision of prescription medication for firefighters injured on the job |
| Int. No. 109 | Authorizing an agreement for online reporting of transactions conducted at pawnbrokers, secondhand dealers, and scrap yards |
| Int. No. 117 | Amending Ordinance No. 2022-35 in relation to Investigations Case Management Software |

The **PUBLIC SAFETY COMMITTEE** recommends the following entitled legislation to be **HELD** in Committee:

- | | |
|--------------|--|
| Int. No. 113 | Authorizing an agreement for bail credit card services |
|--------------|--|

Respectfully submitted,
Miguel A. Meléndez, Jr.
Mitch Gruber
LaShay D. Harris
Willie J. Lightfoot (*Voted no on Int. No. 117*)
Stanley Martin
Michael A. Patterson
Jose Peo
Kimberly Smith
Mary Lupien
PUBLIC SAFETY COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2022-88
Re: Agreement – Wegmans Food Markets,
Inc. Firefighter Prescription Medication

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area: Public
Safety

Transmitted herewith for your approval is legislation establishing \$100,000 as maximum annual compensation for an agreement with Wegmans Food Markets, Inc., Rochester, NY for the provision of prescription medication, as required, for Firefighters who have been injured on the job. The term of this agreement will be for two years, with the option of two (2) additional and consecutive, two (2) year renewals upon mutual agreement. The cost of this agreement will be funded from the 2021-22 Budget of the Fire Department, and subsequent annual costs will be funded from future budgets of the Fire Department, contingent on their approval.

Wegmans Food Markets, Inc. has provided this service since 1983. The current agreement expires on April 30, 2022 and was authorized in 2016 via Ordinance No. 2016-86. The proposed agreement provides prices at the average wholesale price (AWP), less 17.75% plus \$1.00 for brand name drugs, and at the AWP less 25% plus \$1.00 for generic drugs. Pricing will be at these rates or the usual and customary charge, whichever is less.

Wegmans Food Markets, Inc. was selected through a request for proposal process as described in the attached summary.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AV-46

Ordinance No. 2022-88
(Int. No. 108)

Authorizing an agreement for the provision of prescription medication for firefighters injured on the job

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Wegmans Food Markets, Inc. to provide prescription medication for firefighters injured on the job for a maximum annual compensation of \$100,000. The agreement shall have a term of two years, with the option for up to two 2-year renewals, and shall be funded from the 2021-22 Budget of the Fire Department for the first year, and from a future year's Budget of the Fire Department for each subsequent year, contingent upon approval of future budgets.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2022-89

Re: Agreement – LeadsOnline LLC, Retail
Transactions Report System

Council Priority: Public Safety

Transmitted herewith for your approval is legislation establishing \$52,225 as maximum compensation for the first year of an agreement with LeadsOnline LLC, (Principal: David K. Finley), Plano, Texas, for continued online reporting of transactions conducted at pawnbrokers, secondhand dealers, and scrap yards. Each renewal period will include a 3% increase. The cost of the agreement will be funded from the 2021-22 and subsequent Budgets of the Police Department, contingent upon their approval. The term of this agreement will be June 15, 2022 through June 14, 2023, with the option to renew for up to four additional one-year periods.

In March 2012, City Council amended the Municipal Code via Ordinance Nos. 2012-120, 2012-121 and 2012-122, requiring the daily upload of all reportable transactions at pawnbrokers, secondhand dealers and scrap yards to an electronic reporting service provided by the Rochester Police Department (RPD). To ensure compliance, and at the direction of RPD, these establishments are currently using LeadsOnline to report their transactions. This agreement will continue to provide an online database, as required by the Code, and assist RPD in quickly identifying suspicious transactions to improve the likelihood of recovering stolen property.

LeadsOnline serves a dual purpose for RPD by ensuring compliance with City regulations and providing case support for on-going investigations. LeadsOnline provides a suite of query, analytical, and reporting tools with which to analyze transaction data and compliance metrics. Information from LeadsOnline is also accessed by crime analysts and investigators to research transaction logs for stolen property for both local and national transactions, often directly contributing to solvability factors in active investigations.

A justification for not issuing an RFP is attached.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AV-47

Ordinance No. 2022-89
(Int. No. 109)

Authorizing an agreement for online reporting of transactions conducted at pawnbrokers, secondhand dealers, and scrap yards

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with LeadsOnline, Inc. for online reporting of transactions conducted at pawnbrokers, secondhand dealers, and scrap yards. The term of the agreement shall be one year, with the option to extend for up to four one-year periods. The maximum compensation for the initial term shall be \$52,225, which shall be funded from the 2021-22 Budget of the Police Department. The maximum compensation for each extended term of the agreement, if any, shall be funded from a subsequent budget of the Police Department, contingent upon approval, and shall be subject to an increase of up to 3% for each respective renewal.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2022-90
Re: Agreement - Customer Expressions
Corporation d/b/a i-Sight

Transmitted herewith for your approval is legislation amending Ordinance No. 2022-35, which authorized the City to enter into an agreement with Customer Expressions Corporation d/b/a i-Sight (Jakub Ficner, Director of Partnership Development and Government Sales) for subscription based software services and associated implementation services to assist the Police Accountability Board in its investigatory work.

The original legislation authorized an agreement for a single-year term. Since Council approved of that legislation, the City has been negotiating terms of an agreement with i-Sight. During those negotiations, it has become clear that - to obtain the lowest possible fee structure - the vendor requires a three-year term. Accordingly, the amended legislation would change the authorized term to three years, with a corresponding increase of not-to-exceed funding. The cost of the first year of the agreement (\$106,950) will still be funded from the 2021-22 Budget of the City Council & Clerk.

An additional amount not to exceed \$89,025 per year will be drawn, contingent upon approval, from subsequent fiscal year budgets of the City Council & Clerk. In total, the not-to-exceed amount over the three-year period will be \$285,000.

Customer Expressions Corporation d/b/a i-Sight, 2255 Carling Avenue, Suite 500, Ottawa, Ontario, K2B 7Z5, was selected for these services on a best value basis after reviewing demonstrations and proposals from a number of vendors. A full justification for not issuing a request for proposals is attached.

Respectfully submitted,
Miguel A. Meléndez, Jr.
President

Attachment No. AV-48

Ordinance No. 2022-90
(Int. No. 117)

Amending Ordinance No. 2022-35 in relation to Investigations Case Management Software

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2022-35, authorizing an agreement for Investigations Case Management Software, is hereby amended as follows:

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with Customer Expressions Corporation to provide subscription based case management software and associated implementation services to the Police Accountability Board for its investigatory work. The term of the agreement shall be up to ooe three year . The maximum compensation for the agreement shall be \$106,950 \$285,000, which shall be funded in the amount of \$106,950 from the 2021-22 Budget of the City Council & Clerk for the first year, and \$89,025 from each of the 2022-23 and 2023-24 Budgets of the City Council & Clerk contingent upon approval.

Section 2. This ordinance shall take effect immediately.

Strikeout indicates deleted text, new text is underlined.

Passed by the following vote:

AYES – President Meléndez, Councilmembers Gruber, Harris, Lupien, Martin, Patterson, Peo, Smith – 8.

NAYS – Councilmember Lightfoot – 1.

By Councilmember Harris
March 15, 2022

To the Council:

The **RECREATION & HUMAN SERVICES COMMITTEE** recommends for **ADOPTION** the following entitled legislation:

- Int. No. 110 Authorizing an intermunicipal agreement with the County of Monroe to provide recreation and youth development programming

- Int. No. 111 Authorizing agreements and amending the 2021-22 Budget for spay and neuter services

Respectfully submitted,
Lashay D. Harris
Willie J. Lightfoot
Stanley Martin
Mary Lupien
Miguel A. Meléndez Jr
RECREATION & HUMAN SERVICES COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2022-91
Re: Grant Agreement - Monroe County,
 Rochester - Monroe County Youth Bureau

Council Priority: Support the Creation of Effective
Educational Systems

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation authorizing an inter-municipal agreement with the County of Monroe, on behalf of the Rochester-Monroe County Youth Bureau, for the receipt and use of a \$54,301 grant. These funds were anticipated and included in the 2020-21 and 2021-22 Budgets of the Department of Recreation and Human Services. The term of the grant is for the 2021 calendar year and will reimburse the City for recreation and positive youth development programming that took place during that period.

The Rochester-Monroe County Youth Bureau, jointly established by the City and County, provides a County-wide planning and service delivery system devoted to the welfare and development of children and youth. The Rochester-Monroe County Youth Bureau annually receives funding from the New York State Office for Children and Family Services (OCFS) for youth development activities and awards a portion of these funds to the City.

In 2021, this grant funded part-time Refs on the Move positions and supplies for youth athletics leagues, sports clinics and youth development programs which collectively served more than 2,000 youth participants. These positions are utilized at the Rochester Community Sports Complex and Genesee Valley Sports Complex sites as well as R-Center locations and help facilitate our youth sports leagues and clinics such as basketball, flag football, softball/baseball,

kickball, soccer, and lacrosse.

The City has received this grant for more than 15 years and anticipates the receipt and use of this grant every year, including for the 2022 calendar year pending final award notice from Monroe County.

The most recent Council action on this item was in February 2021 via Ordinance No. 2021-55.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No. 2022-91
(Int. No. 110)

Authorizing an intermunicipal agreement with the County of Monroe to provide recreation and youth development programming

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the County of Monroe for the receipt and use of funding from the New York State Office of Children and Family Services (OCFS) in the anticipated amount of \$54,301 to fund the City's provision of recreation and positive youth development programming. The term of the agreement shall extend to December 31, 2021.

Section 2. If the amount of funds provided by OCFS is more or less than anticipated, the agreement amounts and terms shall be adjusted accordingly.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No.2022-92
Re: Grant Agreement – American Society for
The Prevention of Cruelty to Animals –
2022 Animal Population Control Program

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area:
Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation related to the American Society for the Prevention of Cruelty to Animals (ASPCA) – New York State 2022 Animal Population Control Program grant. This legislation will:

1. Authorize an agreement with the American Society for the Prevention of Cruelty to

Animals for the receipt and use of the 2022 Animal Population Control Program grant in the amount of \$68,000. The term of the agreement will be for one year, with the option to extend for an additional one year if funding is not fully expended and with approval from the grantor.

2. Amend the 2021-2022 Budget of the Department of Recreation and Human Services by \$68,000 to reflect the grant.
3. Authorize \$68,000 as maximum total compensation for an agreement with PP-NY Rochester, NY 14609) to be funded by the grant appropriated herein. The term of the Veterinary LLC dba Rochester Community Animal Clinic (Dr. Robert Murtaugh, Principal, agreement will be for one year, with the option to extend for an additional year if funding is not fully expended contingent on approval from the grantor.

These grant funds will be used to continue subsidizing the Animal Services spay-neuter voucher program. Through this program, City residents receive vouchers which can be redeemed for pet spay and neuter services at the Rochester Community Animal Clinic. The grant funds are used to pay for the surgeries which are provided on a monthly basis. Last year, the clinic provided 634 surgeries to animals with these grant funds.

The City has received this grant multiple times since 2011. This grant was last authorized in April 2020 via Ordinance No. 2020-119.

A justification for not issuing a request for proposals is attached.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AV-49

Ordinance No. 2022-92
(Int. No. 111)

Authorizing agreements and amending the 2021-22 Budget for spay and neuter services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into a grant agreement with The American Society for the Prevention of Cruelty to Animals for the receipt and use of \$68,000 to fund no-cost spay/neuter vouchers for the pets of qualifying residents (the Program). The agreement will have a term of one year with the option to extend for one additional year if funding is not fully expended and with approval from the grantor.

Section 2. Ordinance No. 2021-174, the 2021-22 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of the Department of Recreation and Human Services by \$68,000 to reflect the receipt of the grant funds authorized herein, which funds are hereby appropriated to implement the Program.

Section 3. The Mayor is hereby authorized to enter into a professional services agreement with PP-NY Veterinary LLC to provide spay and neuter services for pets of those who present Program vouchers. The agreement shall have a term of one year with the option to extend for one additional year if the term of the supporting grant agreement authorized in Section 1 is so

extended. The cost of the agreement shall be funded from the grant proceeds authorized and appropriated for the Program herein.

Section 4. The agreements and optional amendatory agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

By President Meléndez
March 15, 2022

To the Council:

The **COMMITTEE OF THE WHOLE** recommends for **ADOPTION** the following entitled legislation:

Int. No. 114 Resolution confirming the appointment of the Budget Director

Int. No. 115 Resolution confirming the appointment of the Director of Finance

Respectfully submitted,
Mitch Gruber
LaShay D. Harris
Willie J. Lightfoot
Stanley Martin
Michael A. Patterson
Jose Peo
Kimberly Smith
Mary Lupien
Miguel A. Meléndez Jr
COMMITTEE OF THE WHOLE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2022-19
Re: Confirmation of the Budget Director

Transmitted herewith for your approval is legislation confirming, as required by the City Charter, the appointment of Michael T. Burns as Director of the Budget Department.

Michael T. Burns' resume is on file in the City Clerk's Office.

Respectfully submitted,
Malik D. Evans
Mayor

Resolution No. 2022-19
(Int. No. 114)

Resolution confirming the appointment of the Budget Director

WHEREAS, the Mayor has appointed Michael T. Burns to the position of Budget Director, subject to confirmation by the City Council, and

WHEREAS, Council has reviewed the qualifications of the appointee and determined that he has the ability and qualifications to execute the duties and responsibilities of the office,

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Rochester hereby confirms the appointment of Michael T. Burns as Budget Director.

This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2022-20
Re: Confirmation of the Director of Finance

Transmitted herewith for your approval is legislation confirming, as required by the City Charter, the appointment of Kim D. Jones as the Director of Finance.

Kim D. Jones' resume is on file in the City Clerk's Office.

Respectfully submitted,
Malik D. Evans
Mayor

Resolution No. 2022-20
(Int. No. 115)

Resolution confirming the appointment of the Director of Finance

WHEREAS, the Mayor has appointed Kim D. Jones to the position of Director of Finance, subject to confirmation by the City Council, and

WHEREAS, Council has reviewed the qualifications of the appointee and determined that she has the ability and qualifications to execute the duties and responsibilities of the office,

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Rochester hereby confirms the appointment of Kim D. Jones as Director of Finance.

This resolution shall take effect immediately.

Adopted unanimously.

The meeting was adjourned at 9:31 p.m.

HAZEL L. WASHINGTON
City Clerk