# Monroe County Clerk of the Legislature

Diana M. Christodaro Clerk



David Grant Deputy Clerk

#### **MEMORANDUM**

TO:

Legislators, Directors, Staff and Media

FROM:

Diana M. Christodaro, Clerk of the Legislature

DATE:

February 14, 2017

RE:

Matter of Urgency - File Nos. 17-0037 - 17-0040

17-0037

Authorize an Intermunicipal Agreement with the City of Rochester for Preparation and Production of MusicFest 2017 in Genesee Valley Park – As a Matter of Urgency – President Anthony J. Daniele

17-0038

Accept the Assets and Liabilities of Upstate Telecommunications

Corporation Pursuant to an Order of Dissolution – As a Matter of

Urgency – President Anthony J. Daniele

17-0039

Accept the Assets and Liabilities of Monroe Security & Safety Systems Local Development Corporation Pursuant to an Order of Dissolution – As a Matter of Urgency – President Anthony J. Daniele

17-0040

Accept the Assets and Liabilities of Monroe Newpower Corporation

Pursuant to an Order of Dissolution – As a Matter of Urgency –

President Anthony J. Daniele

Per President Anthony J. Daniele, the attached communications are declared to be Matters of Urgency pursuant to Section 545-24 (A) (3) of the Rules of the Monroe County Legislature and will be considered at the February 14, 2017 meeting of the Monroe County Legislature.

Attachments



MONROE COUNTY, NEW YORK

Cheryl Dinolfo
County Executive

OFFICIAL FILE COPY

No. 178037

Not to be removed from the Office of the Legislature Of Manroa County

Committee Assignment

February 13, 201

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

Subject:

Authorize an Intermunicipal Agreement with the City of Rochester for Preparation and

Production of MusicFest 2017 in Genesee Valley Park

Honorable Legislators:

I recommend that Your Honorable Body authorize an intermunicipal agreement with the City of Rochester to use a portion of Genesee Valley Park for the preparation and production of MusicFest 2017.

The MusicFest will be held from July 13, 2017 through July 17, 2017. The City of Rochester will be responsible for all facets of this event and the designated portion of Genesee Valley Park, including, but not limited to: set up, security, site containment, traffic, off-site parking, shuttles, ticket sales, insurance, vendors, health department permits, liquor licenses, clean up and repair of any damage to the park during or due to this event.

The specific legislative action required is to authorize the County Executive, or her designee, to enter into an intermunicipal agreement, and any amendments thereto, with the City of Rochester, to use a portion of Genesee Valley Park for the preparation and production of MusicFest 2017.

Environmental assessments were completed for this action and it was determined that there would be no significant effect on the environment.

This intermunicipal agreement will have no impact on the revenues or expenditures of the current Monroe County budget.

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

Sincerely,

Cheryl/Dinolfo //
Monroe County Executive

by Legislatots and
Intro. No
RESOLUTION NO OF 2017
AUTHORIZING INTERMUNICIPAL AGREEMENT WITH CITY OF ROCHESTER FOR PREPARATION AND PRODUCTION OF MUSICFEST 2017 IN GENESEE VALLEY PARK
BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:
Section 1. The County Executive, or her designee, is hereby authorized to enter into an intermunicipal agreement, and any amendments thereto, with the City of Rochester, to use a portion of Genesee Valley Park for the preparation and production of MusicFest 2017.
Section 2. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.
Matter of Urgency File No. 17-
ADOPTION: Date: Vote:
ACTION BY THE COUNTY EXECUTIVE
APPROVED: VETOED:
SIGNATURE:DATE:
EFFECTIVE DATE OF RESOLUTION:



MONROE COUNTY, NEW YORK

Cheryl Dinolfo
County Executive

No. 170038

No. 170038

Not to be removed from the Office of the Legislature Of Monroe County

Committee Assignment

February 13, 2017

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

Subject:

Accept the Assets and Liabilities of Upstate Telecommunications Corporation Pursuant

to an Order of Dissolution

#### Honorable Legislators:

I recommend that Your Honorable Body accept the assets and liabilities of Upstate Telecommunications Corporation ("UTC") pursuant to an order of dissolution under New York State Not-for-Profit Law.

The County of Monroe issued bonds in October 2016 for the prepayment of its service contract obligation to UTC, and UTC used the prepayment proceeds to redeem its outstanding revenue bonds. Subsequent to the bond redemption the New York State Attorney General filed a petition in State Supreme Court for the dissolution of UTC, to which the County agreed and the Court ordered. To implement the order of dissolution, the assets and liabilities of UTC must be transferred to the County. Upon such transfer, the Department of Information Services will perform all the functions previously contracted to UTC.

Assets to be transferred to the County are detailed in Attachment A, and include cash and capital assets such as photocopiers, computers, data and wireless network components, the Voice Over IP telephone system, and components of the SAP Enterprise Resource Planning system. Liabilities to be transferred to the County are detailed in Attachment B and include such items as accounts payable, and several purchase orders and contracts for goods and services to be received. UTC has sufficient cash and receivables to fully fund the liabilities being transferred and to fund capital projects for the scheduled replacement of computer and related office equipment.

#### The specific legislative actions required are:

1. Accept the assets of Upstate Telecommunications Corporation pursuant to an order of dissolution, to include cash, prepaid expenses, and capital equipment with a book value of \$11,750,414 into internal services fund 9020, and a book value of \$2,798,411 into capital fund 1812, as detailed in Attachment A.

- 2. Accept the assignment of Upstate Telecommunications Corporation liabilities and commitments pursuant to an order of dissolution, to include accounts payable, purchase orders, and contracts for goods and services to be received, with a book value of \$80,473, into internal services fund 9020, as detailed in Attachment B.
- 3. Amend the 2017 operating budget of the Department of Information Services by appropriating the sum of \$8,580,473 into internal services fund 9020, funds center 1902010000, Equipment Lease / Maintenance, for the payment of liabilities totaling \$80,473 and for the provision for capital equipment totaling \$8,500,000.
- 4. Authorize the County Executive to reappropriate any unencumbered provision for capital equipment balances in subsequent years budgets.

Environmental assessments were completed for this action and it was determined that there would be no significant effect on the environment.

Funding for these actions will be available in the 2017 operating budget of the Department of Information Services, internal services fund 9020, funds center 1902010000, Equipment Lease / Maintenance, once the UTC assets are accepted. No additional net County support is required in the current Monroe County budget.

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

Sincerely,

Chery/Dinolfo
Monroe County Executive

# Attachment A Assets of Upstate Telecommunications Corporation

# Accept into Fund 9020:

Cash	\$8,580,473
Prepaid Expenses: SAP, Inc (licenses)	\$209,883
Ronco (SmartNet)	\$39,864
SHI International (Horizon licenses)	\$984
Solarwinds (maintenance toolset)	\$816
Capital Equipment:	\$2,918,394
Subtotal	\$11,750,414
Accept into Capital Fund 1812:	
Cash	\$2,798,411
Subtotal	\$2,798,411
Total of UTC Assets	\$14,548,825

#### Attachment B

## Liabilities and Commitments of Upstate Telecommunications Corporation

## Accept into Fund 9020:

#### Accounts Payable:

Sirius	\$8,772
Relcom	\$3,088
Barclay Damon	\$26,996
Frontier	\$1,617
Xerox	\$40,000

#### **Total of UTC Liabilities**

\$80,473

## Commitments (contracts / purchase orders):

\$20,000 average monthly charg	ge Expires Dec 2018
\$19,700 monthly charge	Expires Jul 2020
\$10,750 monthly charge	Expires Dec 2020
\$5,167 monthly charge	Expires Dec 2020
\$1,617 monthly charge	Expires May 2019
\$455 monthly charge	Expires Mar 2017
\$250,000 annual charge	Expires Dec 2020
purchases as needed	Expires at project completion
purchases as needed	Expires at project completion
prepaid by UTC	Expires Oct 2017
prepaid by UTC	Expires Apr 2017
prepaid by UTC	Expires Jun 2017
prepaid by UTC	Expires Feb 2023
	\$10,750 monthly charge \$5,167 monthly charge \$1,617 monthly charge \$455 monthly charge \$250,000 annual charge purchases as needed purchases as needed prepaid by UTC prepaid by UTC

By Legislators and
Intro. No
RESOLUTION NO OF 2017
ACCEPTING ASSETS AND LIABILITIES OF UPSTATE TELECOMMUNICATIONS CORPORATION PURSUANT TO ORDER OF DISSOLUTION
BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:
Section 1. The County Executive, or her designee, is hereby authorized to accept the assets of Upstate Telecommunications Corporation pursuant to an order of dissolution, to include cash, prepaid expenses, and capital equipment with a book value of \$11,750,414 into internal services fund 9020, and a book value of \$2,798,411 into capital fund 1812, as detailed in Attachment A.
Section 2. The County Executive, or her designee, is hereby authorized to accept the assignment of Upstate Telecommunications Corporation liabilities and commitments pursuant to an order of dissolution, to include accounts payable, purchase orders, and contracts for goods and services to be received, with a book value of \$80,473 into internal services fund 9020, as detailed in Attachment B.
Section 3. The 2017 operating budget of the Department of Information Services is hereby amended by appropriating the sum of \$8,580,473 into internal services fund 9020, funds center 1902010000, Equpiment Lease/Maintenance, for the payment of liabilities totaling \$80,473 and for the provision for capital equipment totaling \$8,500,000.
Section 4. Funding for these actions will be available in the 2017 operating budget of the Department of Information Services, internal services fund 9020, funds center 1902010000, Equpiment Lease/Maintenance, once the UTC assets are accepted.
Section 5. The County Executive is hereby authorized to reappropriate any unencumbered provision for capital equipment balances in subsequent years budgets.
Section 6. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.
Matter of Urgency File No. 17-
ADOPTION: Date: Vote:
ACTION BY THE COUNTY EXECUTIVE
APPROVED: VETOED:
SIGNATURE:DATE:
EFFECTIVE DATE OF RESOLUTION:



MONROE COUNTY, NEW YORK

Cheryl Dinolfo
County Executive

February 13, 2017

OFFICIAL FILE COPY

No. 170039

Not to be removed from the Office of the Legislature Of Monroe County

Committee Assignment

URGENT -L

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

Subject:

Accept the Assets and Liabilities of Monroe Security & Safety Systems Local

Development Corporation Pursuant to an Order of Dissolution

#### Honorable Legislators:

I recommend that Your Honorable Body accept the assets and liabilities of Monroe Security & Safety Systems Local Development Corporation ("M3S") pursuant to an order of dissolution under New York State Not-for-Profit Law.

The County of Monroe issued bonds in October 2016 for the prepayment of its service contract obligation to M3S, and M3S used the prepayment proceeds to redeem its outstanding revenue bonds. Subsequent to the bond redemption the New York State Attorney General filed a petition with the State Supreme Court for the dissolution of M3S, to which the County agreed and the Court ordered. To implement the order of dissolution, the assets and liabilities of M3S must be transferred to the County. Upon such transfer, the Department of Public Safety and the Department of Environmental Services will perform all the functions previously contracted to M3S.

Assets to be transferred to the County are detailed in Attachment A, and include cash and capital assets such as a fiber network, P25 communications infrastructure equipment, security monitoring equipment, and mobile and portable radio equipment. Non-valued assets to be transferred include various permits, licenses, easements, and rights-of-way. Liabilities to be transferred to the County are detailed in Attachment B and include such items as accounts payable, and several purchase orders and contracts for goods and services to be received. M3S has sufficient cash and receivables to fully fund the liabilities being transferred and to fund capital projects for the scheduled replacement of communications and security equipment.

#### The specific legislative actions required are:

1. Accept the assets of Monroe Security & Safety Systems Local Development Corporation pursuant to an order of dissolution, to include cash, prepaid expenses, and capital equipment with a book value of \$56,212,071 into general fund 9001, a book value of \$5,350,000 into internal services fund 9020, and a book value of \$383,580 into capital fund 1812, as detailed in Attachment A, and other non-valued permits, licenses, easements, and rights-of-way.

- 2. Accept the assignment of Monroe Security & Safety Systems Local Development Corporation liabilities and commitments pursuant to an order of dissolution, to include accounts payable, purchase orders, and contracts for goods and services to be received, with a book value of \$71,326, into general fund 9001, as detailed in Attachment B.
- 3. Amend the 2017 operating budget of the Department of Public Safety by appropriating the sum of \$8,939,617 into general fund 9001, funds center 2406010000, Public Safety Communications, for the payment of liabilities and commitments totaling \$2,239,617 and for the provision for capital equipment totaling \$6,700,000.
- 4. Amend the 2017 operating budget of the Department of Environmental Services by appropriating the sum of \$150,000 into internal services fund 9020, funds center 8610010000, Fire Alarm/Security Maintenance, for the provision for capital equipment.
- 5. Authorize the County Executive to reappropriate any unencumbered provision for capital equipment balances in subsequent years budgets.

Environmental assessments were completed for this action and it was determined that there would be no significant effect on the environment.

Funding for these actions will be available in the 2017 operating budgets of the Department of Public Safety, general fund 9001, funds center 2406010000, Public Safety Communications, and the Department of Environmental Services, internal services fund 9020, funds center 8610010000, Fire Alarm/Security Maintenance, once the M3S assets are accepted. No additional net County support is required in the current Monroe County budget.

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

Sincerely,

Monroe County Executive

#### Attachment A

# Assets of Monroe Security & Safety Systems Local Development Corporation

# Accept into Fund 9001:

Cash	\$8,939,617
Accounts Receivable:	
Monroe Ambulance	\$1,221
Town of Penfield	\$2,081
Prepaid Expenses:	\$65.661
Brite Computers (net motion)	\$65,661
Simplex Grinell (fire alarm)	\$138
Harris Corp (emergency services)	\$4,000
Davis Ulmer (fire inspection)	\$13,264
Capital Equipment:	\$47,186,089
Subtotal	\$56,212,071
Accept into Fund 9020:	
Cash	\$150,000
Capital Equipment	\$5,200,000
	40,200,000
Subtotal	\$5,350,000
Accept into Capital Fund 1812:	
Cash	\$383,580
Subtotal	\$383,580
Total of M3S Assets	\$61,945,651

#### Attachment B

## Liabilities and Commitments of Monroe Security & Safety Systems Local Development Corporation

## Accept into Fund 9001:

## Accounts Payable:

Securitas	\$32,400
Barclay Damon	\$29,308
Frontier	\$2,996
Hutton Communications	\$301
Control Services	\$2,748
Technical Services Group	\$1,711
Simplex Grinell	\$1,862

#### **Total of M3S Liabilities**

\$71,326

#### Commitments (contracts / purchase orders):

Securitas (security)	\$22,000 average monthly char	ge Expires Dec 2017
Harris Corporation (project launch)	\$7,970,025 remaining	Expires Mar 2019
Pericle Communications (tower study)	\$36,000 remaining	Expires at project completion
Frontier (pole attachment)	\$1,498 monthly charge	Expires Sep 2017
Frontier (underground conduit)	included w/ pole attachment	Expires Sep 2017
RG&E (pole attachment)	\$1,629 annual charge	Expires Mar 2021
Village of Fairport (pole attachment)	2,904 annual charge	Expires May 2021
Simplex Grinell (DVT surveillance)	\$11,600 remaining	Expires at project completion
Brite Computers (net motion)	prepaid by M3S	Expires Apr 2019
Simplex Grinell (fire alarm)	prepaid by M3S	Expires Aug 2017
Brown and Brown (D&O tail insurance)	prepaid by M3S	Expires Feb 2023
Systems Access Agreement	no fee	Expires Dec 2025
Village of Spencerport (pole attachment)	no fee	Expires on 60-days' notice

By Legislators and
Intro. No
RESOLUTION NO OF 2017
ACCEPTING ASSETS AND LIABILITIES OF MONROE SECURITY & SAFETY SYSTEMS LOCAL DEVELOPMENT CORPORATION PURSUANT TO ORDER OF DISSOLUTION
BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:
Section 1. The County Executive, or her designee, is hereby authorized to accept the assets of Monroe Security & Safety Systems Local Development Corporation pursuant to an order of dissolution, to include cash, prepaid expenses, and capital equipment with a book value of \$56,212,071 into internal services fund 9001, a book value of \$5,350,000 into internal services fund 9020, and a book value of \$383,580 into capital fund 1812, as detailed in Attachment A, and other non-valued permits, licenses, easements, and rights-of-way.
Section 2. The County Executive, or her designee, is hereby authorized to accept the assignment of Monroe Security & Safety Systems Local Development Corporation liabilities and commitments pursuant to an order of dissolution, to include accounts payable, purchase orders, and contracts for goods and services to be received, with a book value of \$71,326 into general fund 9001, as detailed in Attachment B.
Section 3. The 2017 operating budget of the Department of Public Services is hereby amended by appropriating the sum of \$8,939,617 into general fund 9001, funds center 2406010000, Public Safety Communications, for the payment of liabilities and commitments totaling \$2,239,617 and for the provision for capital equipment totaling \$6,700,000.
Section 4. The 2017 operating budget of the Department of Environmental Services is hereby amended by appropriating the sum of \$150,000 into internal services fund 9020, funds center 8610010000, Fire Alarm/Security Maintenance, for the provision for capital equipment.
Section 5. Funding for these actions will be available in the 2017 operating budget of the Department of Public Safety, general fund 9001, funds center 2406010000, Public Safety Communications, and the Department of Environmental Services, internal fund services fund 9020, funds center 8610010000, Fire Alarm/Security Maintenance, once the M3S assets are accepted.
Section 6. The County Executive is hereby authorized to reappropriate any unencumbered provision for capital equipment balances in subsequent years budgets.
Section 7. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.
Matter of Urgency File No. 17-
ADOPTION: Date: Vote:
ACTION BY THE COUNTY EXECUTIVE
APPROVED: VETOED:
SIGNATURE:DATE:
EFFECTIVE DATE OF RESOLUTION:



MONROE COUNTY, NEW YORK

Cheryl Dinolfo
County Executive

February 13, 2017

OFFICIAL FILE COPY

No. 170040

Not to be removed from the Office of the Legislature Of Monroe County

Committee Assignment

URGENT -L

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

Subject:

Accept the Assets and Liabilities of Monroe Newpower Corporation Pursuant to an Order

of Dissolution

Honorable Legislators:

I recommend that Your Honorable Body accept the assets and liabilities of Monroe Newpower Corporation ("MNP") pursuant to an order of dissolution under New York State Not-for-Profit Law.

The County of Monroe issued bonds in October 2016 for the prepayment of its service contract obligation to MNP, and MNP used the prepayment proceeds to redeem its outstanding revenue bonds. Subsequent to the bond redemption the New York State Attorney General filed a petition with the State Supreme Court for the dissolution of MNP, to which the County agreed and the Court ordered. To implement the order of dissolution, the assets and liabilities of MNP must be transferred to the County. Upon such transfer, the Department of Environmental Services will perform all the functions previously contracted to MNP.

Assets to be transferred to the County are detailed in Attachment A, and include cash and capital equipment used to produce electricity and steam. Non-valued assets to be transferred include various, easements and rights-of-way. Liabilities to be transferred to the County are detailed in Attachment B and include such items as accounts payable, and several purchase orders and contracts for goods and services to be received. MNP has sufficient cash and receivables to fully fund the liabilities being transferred.

#### The specific legislative actions required are:

1. Accept the assets of Monroe Newpower Corporation pursuant to an order of dissolution, to include cash and capital equipment, with a book value of \$9,720,059 into internal services fund 9020, and with a book value of \$498,224 into capital fund 1812, as detailed in Attachment A.

- 2. Accept the assignment of Monroe Newpower Corporation liabilities and commitments pursuant to an order of dissolution, to include accounts payable, purchase orders, and contracts for goods and services to be received, with a book value of \$47,613, into internal services fund 9020, as detailed in Attachment B.
- 3. Amend the 2017 operating budget of the Department of Environmental Services by appropriating the sum of \$487,613 into internal services fund 9020, funds center 8645020000, Iola Powerhouse for the payment of liabilities and commitments.

Environmental assessments were completed for this action and it was determined that there would be no significant effect on the environment.

Funding for these actions will be available in the 2017 operating budget of the Department of Environmental Services, internal services fund 9020, funds center 8645020000, Iola Powerhouse, once the MNP assets are accepted. No additional net County support is required in the current Monroe County budget.

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

Sincerely,

Cheryl Dinolfo

Monroe County Executive

# Attachment A Assets of Monroe Newpower Corporation

## Accept into Fund 9020:

 Cash
 \$487,613

 Capital Equipment:
 \$9,232,446

Subtotal \$9,720,059

Accept into Capital Fund 1812:

Cash \$498,224

Subtotal \$498,224

Total of MNP Assets \$10,218,283

# Attachment B Liabilities and Commitments of Monroe Newpower Corporation

#### Accept into Fund 9020:

Accounts Payable:

Kistler \$27,225 O'Connell Electric \$9,021 Barclay Damon \$11,367

**Total of MNP Liabilities** 

\$47,613

Commitments (contracts / purchase orders):

Siemens (O&M agreement)
National Fuel Resources (natural gas)
RG&E (electricity)

Brown and Brown (D&O tail insurance)

\$80,490 monthly charge \$125,000 average monthly charge \$60,000 average monthly charge

prepaid by MNP

Expires Dec 2017 Expires Dec 2017 No expiration Expires Feb 2023

Outstanding Inverse Condemnation (Appeal of Dismissal)

By Legislators and
Intro. No
RESOLUTION NO OF 2017
ACCEPTING ASSETS AND LIABILITIES OF MONROE NEWPOWER CORPORATION PURSUANT TO ORDER OF DISSOLUTION
BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:
Section 1. The County Executive, or her designee, is hereby authorized to accept the assets of Monroe Newpower Corporation pursuant to an order of dissolution, to include cash and capital equipment, with a book value of \$9,720,059 into internal services fund 9020, and with a book value of \$498,224 into capital fund 1812, as detailed in Attachment A.
Section 2. The County Executive, or her designee, is hereby authorized to accept the assignment of Monroe Newpower Corporation liabilities and commitments pursuant to an order of dissolution, to include accounts payable, purchase orders, and contracts for goods and services to be received, with a book value of \$47,613, into internal services fund 9020, as detailed in Attachment B.
Section 3. The 2017 operating budget of the Department of Environmental Services is hereby amended by appropriating the sum of \$487,613 into internal services fund 9020, funds center 8645020000, Iola Powerhouse for the payment of liabilities and commitments.
Section 4. Funding for these actions will be available in the 2017 operating budget of the Department of Environmental Services, general fund 9020, funds center 8645020000, Iola Powerhouse, once the MNP assets are accepted.
Section 5. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.
Matter of Urgency File No. 17-
ADOPTION: Date: Vote:
ACTION BY THE COUNTY EXECUTIVE
APPROVED: VETOED:
SIGNATURE:DATE:
EFFECTIVE DATE OF RESOLUTION: