
SECOND DAY

TUESDAY, FEBRUARY 13, 2007

Legislature met pursuant to adjournment.

President Wayne E. Zyra in the Chair.

ROLL CALL

Present — Legislators Adair, Andrews, Barker, Bronson, Cassetti, Colby, Cruz, DiRaddo, Dobson, Driscoll, Eckel, Gamble, Haney, Hanna, LaFountain, Malta, McCann, O'Brien, Palumbo, Quatro, Smith, Tucciarello, Valerio, Yolevich, Zyra — 25

Absent — Legislators Aldersley, Heider, Lee, Lightfoot — 4

Note: Legislators Aldersley and Heider entered the Chambers later in the meeting.

Meeting formally opened. At the invitation of Legislator Paul E. Haney, Reverend R. Richard Brickler, St. Boniface Church delivered the invocation. The Pledge of Allegiance to the Flag was led by Legislator Edward M. O'Brien.

Note: Legislators Aldersley and Heider entered the Chambers and were present for the remainder of the meeting.

APPROVAL OF MINUTES

Without objection, the journal of the session of Day 1, January 9, 2007 was approved as submitted.

PETITIONS AND COMMUNICATIONS

PROCLAMATIONS

By the President of the Legislature — **WAYNE E. ZYRA**

Recognized Jointly with Maggie Brooks and Legislators Bill Smith and Michael G. Barker, "Mayor David Bonacci and the Monroe County Public Safety Department, Office of Emergency Preparedness, Monroe County Sheriff's Office, Monroe County Fire Bureau, American Red Cross - Rochester Chapter, Penfield Fire Company, Fairport Fire Company, Bushnell's Basin Fire Association, Inc., Villages of East Rochester and Fairport, East Rochester Fire Department, East Rochester Police Department, East Rochester Ambulance Corps., East Rochester Dept. of Public Works, MCDOT, Monroe County Public Safety Communications and South East Quadrant Advanced Life Support Unit" for their selfless acts of service performed in response to the CSX train derailment on January 16, 2007 in the Village of East Rochester.
Read and Filed.

Recognized Jointly with Legislator Jeffrey R. Adair "Mark Turner" for his lifelong commitment to the Wheatland community, and wish him well in all his future endeavors.
Read and Filed.

Recognized Jointly with Legislators Bill Smith, Ciaran T. Hanna, Jeffrey R. Adair, John G. Driscoll, E. Daniel Quatro, Mary A. Valerio and Travis R. Heider "Barker Road, Calkins Road and Twelve Corners Middle Schools" for being recognized as a 2006 "School to Watch."
Read and Filed.

Recognized Jointly with Richard Yolevich "Helen Simpson" for her contribution to the Brockport community as a Photographic Artist and for preserving the memories of generations of its residents.
Read and Filed.

Recognized Jointly with Legislator Richard Yolevich "Patricia Pirmie" for displaying remarkable ability and determination competing at the Ford Ironman World Championship.
Read and Filed.

Recognized Jointly with Legislator Michael G. Barker "Christopher Kauffman" for his perfect test scores, and wish him the best of luck in his future endeavors.
Read and Filed.

Recognized Jointly with Legislator Richard Yolevich "Coach Michael Szczpanik and the Hilton Girls Varsity Cross Country Team" for winning the 2006 New York State Section V Championship and placing second in the Nike Team Nationals Tournament.
Read and Filed.

Recognized Jointly with Legislator Richard Yolevich "Coach Stacy Chiaramante and the Hilton Girls Varsity Gymnastics Team" for winning the 2006 New York State Section V Championship.
Read and Filed.

Recognized Jointly with Legislators David C. Malta, E. Daniel Quatro and R. Anthony LaFountain "Coaches Donna Bour and Jay Scheible and the Webster Schroeder Varsity Cheerleading" as Grand Champions of the 2007 Greater Rochester Cheerleading and Dance Championships.
Read and Filed.

RECESS

A recess was declared by President Zyra to allow for two Public Hearings entitled...

Amending Local Law No. 1 Of 2001, As Amended By Local Law Nos. 6 And 8 Of 2002, Local Law Nos. 3, 8 And 14 Of 2003, Local Law Nos. 2 And 3 Of 2004, Local Laws Nos. 6 And 7 Of 2005 And Local Laws Nos. 2, 3, 6, 9 And 10 Of 2006 And Local Law No. 1 Of 2007 To Revise Empire Zone Boundary". No speakers addressed the Legislature and the hearing concluded at 6:33 p.m.

"Authorizing Acquisition Of Leases, Subleases, Permits and Easements For Various Tower/ Antenna Sites For Public Safety Communications; Authorizing Assignment Or Subleasing Of Leases, Subleases, Permits And Easements". No speakers addressed the Legislature and the hearing concluded at 6:34 p.m.

RECONVENING LEGISLATURE

President Zyra reconvened the recessed meeting of February 13, 2007 and proceeded under the Usual Order of Business.

FORMAL COMMITTEE REPORTS

NONE

PUBLIC FORUM

An Open Forum was conducted to allow speakers to address the Legislature. Twelve speakers addressed the Legislature on various subjects and the Open Forum concluded at 7:04 P.M.

RECESS

A recess was declared by President Zyra to allow for a meeting of the Pure Waters Administrative Board.

RECONVENING LEGISLATURE

President Zyra reconvened the recessed meeting of February 13, 2007 and proceeded under the Usual Order of Business.

LOCAL LAWS

1. Driscoll & Barker
Intro. 99
M. 19
27-0 06-0434 Providing That Local Law (Intro. No. 10 Of 2007), Entitled "Amending Local Law No. 1 Of 2001, As Amended By Local Law Nos. 6 And 8 Of 2002, Local Law Nos. 3, 8 And 14 Of 2003, Local Law Nos. 2 And 3 Of 2004, Local Law Nos. 6 And 7 Of 2005 And Local Law Nos. 2, 3, 6, 9 And 10 Of 2006 And Local Law No. 1 Of 2007 To Revise Empire Zone Boundary," - Be Lifted From The Table

2. Driscoll & Barker
Intro. 100
M. 20
27-0 06-0434 Providing That Local Law (Intro. No. 10 Of 2007), Entitled "Amending Local Law No. 1 Of 2001, As Amended By Local Law Nos. 6 And 8 Of 2002, Local Law Nos. 3, 8 And 14 Of 2003, Local Law Nos. 2 And 3 Of 2004, Local Law Nos. 6 And 7 Of 2005 And Local Law Nos. 2, 3, 6, 9 And 10 Of 2006 And ___ Of 2007 To Revise Empire Zone Boundary," Be Adopted
Planning and Economic Development Committee; January 2, 2007- CV: 5-0

Intro. 10 Main Motion
Local Law No. TBA
27-0

3. Barker & LaFountain
Intro. 101
M. 21
27-0 07-0023 Providing that Local Law (Intro. No. 39 Of 2007) Entitled, "Authorizing Acquisition Of Leases, Subleases, Permits and Easements For Various Tower/ Antenna Sites For Public Safety Communications; Authorizing Assignment Or Subleasing Of Leases, Subleases, Permits And Easements" Be Lifted From The Table

4. Barker & LaFountain
Intro. 102
M. 22
27-0 07-0023 Providing that Local Law (Intro. No. 39 Of 2007) Entitled, "Authorizing Acquisition Of Leases, Subleases, Permits and Easements For Various Tower/ Antenna Sites For Public Safety Communications; Authorizing Assignment Or Subleasing Of Leases, Subleases, Permits And Easements" Be Adopted

Intro. 39 Main Motion
Local Law No. TBA
27-0

MOTIONS, RESOLUTIONS AND NOTICES

5. Cassetti & LaFountain
Intro. 103
Res. 81
27-0 06-0456 Authorizing A Brokering And Sales Contract With ECC Technologies Inc. To Market And Sell Electricity From The Mill Seat Landfill Gas Energy Facility Environment and Public Works Committee; January 24, 2007 - CV: 7-0
Ways and Means Committee: January 3, 2007 - CV: 6-4

6. Malta & Andrews
Intro. 104
Res. 82
27-0 07-0001 Repealing Resolution 369 Of 1995 - Reorganization Of Monroe County Fishery Advisory Board
Planning and Economic Development Committee; January 22, 2007 - CV: 4-0
Agenda Charter Committee: January 22, 2007 - CV: 5-0

7. Malta, Tucciarello & LaFountain
Intro. 105
Res. 83
27-0 07-0002 Authorizing Intermunicipal Agreement With Town Of Penfield To Perform School Flasher Maintenance Services To School Flashers # 924 and # 925 Located On Scribner Road In The Town Of Penfield Intergovernmental Relations Committee; January 23, 2007 - CV: 5-0
Transportation Committee; January 24, 2007 - CV: 8-0
Ways and Means Committee; January 24, 2007 - CV: 9-0

8. Barker & LaFountain
Intro. 106
Res. 84
27-0
07-0007
Accepting Grant From New York State Division Of Criminal Justice Services For Motor Vehicle Theft And Insurance Fraud Prevention Program
Public Safety Committee; January 22, 2007 - CV: 7-0
Ways and Means Committee; January 24, 2007 - CV: 9-0
9. Barker & LaFountain
Intro. 107
Res. 85
27-0
07-0008
Accepting Grant From New York State Governor's Traffic Safety Committee For Selective Traffic Enforcement Program
Public Safety Committee; January 22, 2007 - CV: 7-0
Ways and Means Committee; January 24, 2007 - CV: 9-0
10. Barker & LaFountain
Intro. 108
Res. 86
27-0
07-0009
Accepting Grant From New York State Division Of Parole For High Impact Incarceration Program For Monroe County Inmates
Public Safety Committee; January 22, 2007 - CV: 7-0
Ways and Means Committee; January 24, 2007 - CV: 9-0
11. Barker & LaFountain
Intro. 109
Res. 87
27-0
07-0010
Authorizing Contract With Legal Aid Society Of Rochester, NY, Inc. For Legal Representation Services In Family Law And Domestic Violence
Public Safety Committee; January 22, 2007 - CV: 7-0
Ways and Means Committee; January 24, 2007 - CV: 9-0
(Legislator Palumbo declared her interest prior to the vote)
12. Barker & LaFountain
Intro. 110
Res. 88
27-0
07-0011
Accepting Grant From New York State Division Of Criminal Justice Services For Paul Coverdell Forensic Sciences Improvement Program
Public Safety Committee; January 22, 2007 - CV: 7-0
Ways and Means Committee; January 24, 2007 - CV: 9-0
13. Barker & LaFountain
Intro. 111
Res. 89
27-0
07-0012
Accepting Grant From New York State Division Of Criminal Justice Services For National Integrated Ballistic Information Network And Combined Ballistic Identification System Pilot Program And Backlog Reduction Plan
Public Safety Committee; January 22, 2007 - CV: 7-0
Ways and Means Committee; January 24, 2007 - CV: 9-0
14. DiRaddo & Valerio
Intro. 112
07-0013
A Local Law Entitled "Amending Monroe County Code, Chapter 39 (Defense and Indemnification Of County Officers And Employees), To Provide For The Defense And Indemnification Of Monroe Community College Officers And Employees, The Monroe County Airport Authority Members, Officers, Agents, Representatives and Employees, And Other Entities Or Natural Persons As The County Of Monroe Is Required To Indemnify By Law Or Contract," *(For Introductory Purposes Only)*
Agenda Charter Committee; January 22, 2007 - CV: 5-0
15. DiRaddo & Valerio
Intro. 113
M. 23
27-0
07-0013
Providing That Local Law (Intro. No. 112 Of 2007) Entitled, "Amending Monroe County Code, Chapter 39 (Defense and Indemnification Of County Officers And Employees), To Provide For The Defense And Indemnification Of Monroe Community College Officers And Employees, the Monroe County Airport Authority Members, Officers, Agents, Representatives and Employees, And Other Entities Or Natural Persons As The County Of Monroe Is Required To Indemnify By Law Or Contract," Be Tabled

16. DiRatido & Valerio
Intro. 114
Res. 90
27-0
07-0013
Fixing A Public Hearing On Local Law (Intro. No. 112 Of 2007) Entitled, "Amending Monroe County Code, Chapter 39 (Defense and Indemnification Of County Officers And Employees), To Provide For The Defense And Indemnification Of Monroe Community College Officers And Employees, the Monroe County Airport Authority Members, Officers, Agents, Representatives and Employees, And Other Entities Or Natural Persons As The County Of Monroe Is Required To Indemnify By Law Or Contract," (*Public Hearing Is Scheduled for Tuesday, March 13, 2007 At 6:15 P.M.*)
17. Malta, Barker & LaFountain
Intro. 115
Res. 91
27-0
07-0014
Authorizing Intermunicipal Agreement With City Of Rochester For Downtown Patrol Services
Intergovernmental Relations Committee; January 23, 2007 - CV: 5-0
Public Safety Committee; January 22, 2007 - CV: 7-0
Ways and Means Committee; January 24, 2007 - CV: 9-0
18. Malta, Barker & LaFountain
Intro. 116
Res. 92
27-0
07-0015
Authorizing An Intermunicipal Agreement With The City Of Rochester For A Firearm Instructor
Intergovernmental Relations Committee; January 23, 2007 - CV: 5-0
Public Safety Committee; January 22, 2007 - CV: 7-0
Ways and Means Committee; January 24, 2007 - CV: 9-0
19. Dobson & LaFountain
Intro. 117
Res. 93
27-0
07-0016
Accepting Grant From New York State Division Of Criminal Justice Services For Paul Coverdell National Forensic Sciences Improvement Program
Human Services Committee; January 23, 2007 - CV: 7-0
Ways and Means Committee; January 24, 2007 - CV: 9-0
20. Dobson & LaFountain
Intro. 118
Res. 94
27-0
07-0017
Amending Resolution 450 Of 2005, As Amended By Resolution 250 Of 2006 And Resolution 293 Of 2006, To Accept Additional Funding From New York State Office For The Aging For 2006 Aging Programs
Human Services Committee; January 23, 2007 - CV: 7-0
Ways and Means Committee; January 24, 2007 - CV: 9-0
21. Dobson & LaFountain
Intro. 119
Res. 95
27-0
07-0018
Accepting Funding And Authorizing Contracts For Monroe County Office For The Aging Programs In 2007
Human Services Committee; January 23, 2007 - CV: 7-0
Ways and Means Committee; January 24, 2007 - CV: 9-0
22. Dobson & LaFountain
Intro. 120
Res. 96
27-0
07-0019
Accepting Grant From New York State Office Of Children And Family Services For Child Protective Services Staff To Client Ratio Improvement Program
Human Services Committee; January 23, 2007 - CV: 7-0
Ways and Means Committee; January 24, 2007 - CV: 9-0
23. Dobson & LaFountain
Intro. 121
Intro. 122
M. 24
27-0
07-0020
Accepting Grant From New York State Office Of Temporary And Disability Assistance For Food Stamp Nutrition Education Project
Human Services Committee; January 23, 2007 - CV: 7-0
Ways and Means Committee; January 24, 2007 - CV: 9-0
Driscoll/Quatro
Motion to Table Intro. 121
24. Cassetti & LaFountain
Intro. 123
Res. 97
27-0
07-0021
Authorizing A Contract With Siemens Building Technologies, Inc. For Engineering Services For Rochester Pure Waters District's Frank E. VanLare Wastewater Treatment Facility Aeration Equipment Evaluation
Environment and Public Works Committee; January 24, 2007 - CV: 7-0
Ways and Means Committee; January 24, 2007 - CV: 9-0

25. Cassetti & LaFountain
Intro. 124
Res. 98
27-0
07-0027
Amending The 2007 Capital Budget And Bond Resolution 37 Of 2007 To Increase Financing For The North Ramp Safety Improvements Project At The Greater Rochester International Airport; Authorizing Contract With Villager Construction, Inc. For Construction And Contract Amendment With Passero Associates For Construction Supervision For The North Ramp Safety Improvements Project At The Greater Rochester International Airport
Environment and Public Works Committee; January 24, 2007 - CV: 7-0
Ways and Means Committee; January 24, 2007 - CV: 9-0
26. Cassetti & LaFountain
Intro. 125
Res. 99
27-0
07-0027 br
Resolution Authorizing The Issuance of \$3,000,000 Bonds Of The County Of Monroe, New York, To Finance The Cost To Rehabilitate Paved Parking Aprons At The Greater Rochester International Airport, In And For Said County, And Superseding The Bond Resolution Adopted On January 9, 2007 (Resolution No. 37 Of 2007)
27. Tucciarello & LaFountain
Intro. 126
Res. 100
27-0
07-0028
Authorizing Advertisement For Bids For Calkins Road And Middle Road Improvement Project In The Town Of Henrietta
Transportation Committee; January 24, 2007 - CV: 8-0
Ways and Means Committee; January 24, 2007 - CV: 9-0
28. Tucciarello & LaFountain
Intro. 127
Res. 101
27-0
07-0029
Authorizing Contract With Stantec Consulting Services Inc. For Engineering Services For Replacement Of Flynn Road Culvert Over Larkin Creek Tributary Project In The Town Of Greece
Transportation Committee; January 24, 2007 - CV: 8-0
Ways and Means Committee; January 24, 2007 - CV: 9-0
29. DiRaddo & Valerio
Intro. 128
Intro. 129
M. 25
10-17F
07-0030
Designating Official Newspapers For County Of Monroe For 2007
Agenda Charter Committee; January 22, 2007 - CV: 5-0
- Haney/O'Brien
A Motion to Amend Intro. 128 to include City Newspaper as an official newspaper for the year 2007.
(Legislators Palumbo, Aldersley, Andrews, Bronson, Cruz, E ded, Gamble, Haney, Heider and O'Brien voted in the positive)
- Intro. 128
Res. 102
27-0
Main Motion

Matters Of Urgency

30. LaFountain & McCann
Intro. 130
Res. 103
27-0
07-0085
Authorizing Contract With Gary M. Spinelli For Computer Consulting Services
Matter Of Urgency
31. DiRaddo & Valerio
Intro. 131
Res. 104
27-0
07-0086
Confirming Appointment To Monroe County Board Of Ethics
Matter Of Urgency
32. LaFountain & McCann
Intro. 132
Res. 105
27-0
07-0087
Approving Agreement Between Monroe County And Monroe County Law Enforcement Association
Matter Of Urgency

33. LaFountain & McCann
Intro. 133
Res. 106
27-0 07-0088 Approving Agreement Between Monroe County And Monroe County Airport Firefighters Association, I.A.F.F.
Matter Of Urgency
34. Driscoll & Barker
Intro. 134 07-0089 Amending Local Law No. 1 Of 2001, As Amended By Local Law Nos. 6 And 8 Of 2002, Local Law Nos. 3, 8 And 14 Of 2003, Local Law Nos. 2 And 3 Of 2004, Local Law Nos. 6 And 7 Of 2005 And Local Law Nos. 2, 3, 6, 9 And 10 Of 2006 And Local Law No. 1 And ___ Of 2007 To Revise Empire Zone Boundary
Matter Of Urgency (*Magnetic Technologies Corporation*)
(*For Introductory Purposes Only*)
35. Driscoll & Barker
Intro. 135
M. 26
27-0 07-0089 Providing That Local Law (Intro. No. 134 Of 2007), Entitled "Amending Local Law No. 1 Of 2001, As Amended By Local Law Nos. 6 And 8 Of 2002, Local Law Nos. 3, 8 And 14 Of 2003, Local Law Nos. 2 And 3 Of 2004, Local Law Nos. 6 And 7 Of 2005 And Local Law Nos. 2, 3, 6, 9 And 10 Of 2006 And Local Law No. 1 And ___ Of 2007 To Revise Empire Zone Boundary," Be Tabled
36. Driscoll & Barker
Intro. 136
Res. 107
27-0 07-0089 Fixing A Public Hearing On Local Law (Intro. No. 134 Of 2007), Entitled "Amending Local Law No. 1, As Amended By Local Law Nos. 6 And 8 Of 2002, Local Law Nos. 3, 8 And 14 Of 2003, Local Law Nos. 2 And 3 Of 2004, Local Law Nos. 6 And 7 Of 2005 And Local Law Nos. 2, 3, 6, 9 And 10 Of 2006 And Local Law No. 1 And ___ Of 2007 To Revise Empire Zone Boundary"
(*Public Hearing Is Scheduled for Tuesday, March 13, 2007 at 6:16 P.M.*)

UNFINISHED BUSINESS

Legislator Palumbo inquired about the Independent Council's report on the Monroe County Water Authority. Legislator Smith requested that President Zyra send a letter to the MCWA requesting copies of the report.

Upon Motion by Legislator Smith, the Legislature adjourned at 8:11 P.M. until Tuesday, March 13, 2007 at 6:00 P.M.

DAVID M. BARRY, JR.
Clerk of the Legislature