

SIXTH DAY

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TUESDAY, MAY 8, 2007

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Legislature met pursuant to adjournment.

President Wayne E. Zyra in the Chair.

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### ROLL CALL

Present — Legislators Adair, Andrews, Barker, Bronson, Cassetti, Colby, Cruz, DiRaddo, Dobson, Driscoll, Eckel, Gamble, Haney, Hanna, Heider, LaFountain, Lee, Lightfoot, Malta, McCann, O'Brien, Palumbo, Quatro, Smith, Tucciarello, Valerio, Yolevich, Zyra — 28

Absent — Legislator Aldersley — 1

*Note: Legislator Aldersley entered the Chambers during the Moment of Silent Prayer and was present for the remainder of the meeting.*

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Meeting formally opened. President Zyra requested a Moment of Silent Prayer. The Pledge of Allegiance to the Flag was led by Legislator Raymond S. DiRaddo.

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### APPROVAL OF MINUTES

Without objection, the journals of the sessions of Day 4, April 10, 2007 and Day 5, Special Meeting, April 16, 2007 were approved as submitted.

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### PETITIONS AND COMMUNICATIONS

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### PROCLAMATIONS

By the President of the Legislature — WAYNE E. ZYRA

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Recognized Jointly with Legislator R. Anthony LaFountain, "Penfield High School Dance Team" for their local and national victories this year.

Read and Filed.

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Recognized Jointly with Legislators Richard Yolevich and Douglas B. Dobson "Hilton Varsity Cheerleading Team" for winning the 2007 Class AA Section V Championship and placing second in the nation in the 2007 Contest of Champions National Competition.

Read and Filed

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Recognized Jointly with Legislator Michael G. Barker, "Fairport Alpine Ski Team" for winning the titles of Section V and New York State Alpine Skiing Champions.

Read and Filed

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Recognized Jointly with Legislator Robert J. Colby "Churchville-Chili Power Lifting Team" for their outstanding athletic accomplishment this year.  
Read and Filed

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RECESS

A recess was declared by President Zyra to allow for one Public Hearing entitled...

"A Local Law (Intro. No.159 of 2007) entitled, "Taxpayer Protection Act". No speakers addressed the Legislature and the hearing concluded at 6:26 P.M.

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RECONVENING LEGISLATURE

President Zyra reconvened the recessed meeting of May 8, 2007 and proceeded under the Usual Order of Business.

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FORMAL COMMITTEE REPORTS

NONE

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PUBLIC FORUM

An Open Forum was conducted to allow speakers to address the Legislature. Six speakers addressed the Legislature on various subjects and the Open Forum concluded at 6:40 P.M.

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LOCAL LAWS

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|----|---|---------|--|
| 1. | Smith &<br>Quatro<br>Intro. 163<br>M. 54<br>29-0                    | 07-0152 | Providing That Local Law (Intro. No. 159 Of 2007), Entitled "Taxpayer Protection Act" Be Lifted From the Table   |
| 2. | Smith &<br>Quatro<br>Intro. 164<br>M. 55<br><br>Intro. 165<br>M. 56 | 07-0152 | Providing That Local Law (Intro. No. 159 Of 2007), Entitled "Taxpayer Protection Act" Be Adopted<br>Matter Of Urgency<br><br>Bronson/Palumbo<br>Motion to Amend Intro. 159 to add a paragraph "C" to Section 1 to read as follows: |

C. The Monroe County Budget shall contain the following:

1. An itemized list of all county administered programs and services designated as being federally and/or state mandated, including corresponding budget line items and total itemized costs and funding streams for each program and service, as well as relevant state and/or federal statutes, rules or regulation mandating said programs and services

2. An itemized list of all non-mandated county administered programs and services, including corresponding budget line items and total costs and funding streams for each program and service."

Intro. 166                    Smith/Quatro  
M. 57                         Motion to Table Intro. 165  
18-11                         *(Legislator Lightfoot voted in the positive)*

*(Legislators Palumbo, Aldersley, Andrews, Bronson, Cruz, Eckel, Gamble, Haney, Heider, Lee, O'Brien voted in the negative)*

Legislator Bronson raised a point of order regarding the Motion to Table Intro. 165. President Zyra denied his point of order and agreed that Legislator's Smith motion was in order. Legislator Palumbo Appealed the Ruling of the Chair and the following vote was taken to Sustain the Ruling of the Chair:

Legislators Smith, Adair, Barker, Cassetti, Colby, DiRaddo, Dobson, Driscoll, Hanna, LaFountain Malta, McCann, Quatro, Tucciarello, Valerio, Yolevich and Zyra- 17

Legislators Palumbo, Aldersley, Andrews, Bronson, Cruz, Eckel, Gamble, Haney, Heider, Lee, Lightfoot and O'Brien - 12

Intro. 167                    Palumbo/Bronson  
M. 58                         A Motion to Amend Intro. 159 to add a paragraph "C to Section 1 to read as follows:

- C. In the event Monroe County suffers an act of terrorism, local taxpayer supported non-mandated provisions required to adequately respond to the act of terrorism will be exempted from this local law."

Intro. 168                    Smith/Quatro  
M. 59                         Motion to Table Intro. 167  
18-11                         *(Legislator Lightfoot voted in the positive)*

*(Legislators Palumbo, Aldersley, Andrews, Bronson, Cruz, Eckel, Gamble, Haney, Heider, Lee, O'Brien voted in the negative)*

Legislator Palumbo raised a point of order in reference to the Motion to Table Intro. 167 and Appealed the Ruling of the Chair. The following vote was taken to Sustain the Ruling of the Chair:

Legislators Smith, Adair, Barker, Cassetti, Colby, DiRaddo, Dobson, Driscoll, Hanna, LaFountain, Malta, McCann, Quatro, Tucciarello, Valerio, Yolevich and Zyra- 17

Legislators Palumbo, Aldersley, Andrews, Bronson, Cruz, Eckel, Gamble, Haney, Heider, Lee, Lightfoot and O'Brien - 12

Intro. 169                    Eckel/Palumbo  
M. 60                         Motion to Amend Intro. 159 to add a paragraph "C" to Section 1 to read as follows:  
12-17 F

- C. In the event of a nuclear catastrophe at Ginna Nuclear Power Plant, local taxpayer supported non-mandated provisions required to adequately respond to the catastrophe will be exempted from this local law."

*(Legislators Palumbo, Aldersley, Andrews, Bronson, Cruz, Eckel, Gamble, Haney, Heider, Lee, Lightfoot and O'Brien voted in the positive)*

Intro. 170                    Lee/Palumbo  
M. 61                         Motion to Amend Intro. 159 to add a paragraph "C" to Section 1 to read as follows:  
12-17 F

- C. In the event of a flu pandemic in Monroe County, local taxpayer supported non-mandated provisions required to adequately respond to the pandemic will be exempted from this local law."

*(Legislators Palumbo, Aldersley, Andrews, Bronson, Cruz, Eckel, Gamble, Haney, Heider, Lee, Lightfoot and O'Brien voted in the positive)*

Intro. 171  
M. 62  
12-17 F

Andrews/Palumbo  
Motion to Amend Intro. 159 to add a paragraph "C" to Section 1 to read as follows:

- C. In the event of a winter or ice storm emergency in Monroe County, local taxpayer supported non-mandated provisions required to adequately respond to the emergency will be exempted from this local law."

*(Legislators Palumbo, Aldersley, Andrews, Bronson, Cruz, Eckel, Gamble, Haney, Heider, Lee, Lightfoot and O'Brien voted in the positive)*

Intro. 172  
M. 63

Andrews/Palumbo  
Motion to Amend Intro. 159 to add a paragraph "C" to Section 1 to read as follows:

- C. In the event of a flood emergency in Monroe County, local taxpayer supported non-mandated provisions required to adequately respond to the flood emergency will be exempted from this local law."

Intro. 173  
M. 64  
25-4

Dobson/Quatro  
Motion to Amend Intro. 172 to read as follows:

*President Zyra granted a brief recess at the request of Legislator Palumbo.*

"to include all known and unknown, identified or unidentified, all acts or events created by man or by nature and all future unforeseen events of any character whatsoever.

*(Legislators Driscoll, Hanna, LaFountain and Malta voted in the negative)*

Intro. 172  
M. 63  
12-17 F

*(Legislators Palumbo, Aldersley, Andrews, Bronson, Cruz, Eckel, Gamble, Haney, Heider, Lee, Lightfoot and O'Brien voted in the positive)*

Intro. 174  
M. 65  
12-17 F

O'Brien/Palumbo  
Motion to Amend Intro. 159 to add a paragraph "C" to Section 1 to read as follows:

- C. In the event Monroe County receives an economic development grant from a private funding source for local taxpayer supported, non-mandated program spending, the grant funds will be exempted from this local law."

*(Legislators Palumbo, Aldersley, Andrews, Bronson, Cruz, Eckel, Gamble, Haney, Heider, Lee, Lightfoot and O'Brien voted in the positive)*

Intro. 175  
M. 66

Heider/Palumbo  
Motion to Amend Intro. 159 to amend Section 1 (A) as follows:

"A. Notwithstanding any other provision of this Charter or of the Monroe County Administrative Code, any budget increase in aggregate appropriations in the Operating Budget for local taxpayer supported non-mandated provisions, as defined before, shall not exceed such aggregated budgeted appropriations for those provisions in the immediate preceding fiscal year ("Prior Year Appropriations") by more than *half* the increase in Consumer Price Index (CPI-U from the U.S. Bureau of Labor Statistics) for the twelve month period ending within sixty days of the budget being submitted to the Legislature by the County Executive."

Intro. 176  
M. 67  
17-12

Smith/Quatro  
Motion to Table Intro. 175  
*(Legislators Palumbo, Aldersley, Andrews, Bronson, Cruz, Eckel, Gamble, Haney, Heider, Lee, Lightfoot and O'Brien voted in the negative)*

Legislator Palumbo raised a point of order in reference to the Motion to Table Intro. 175. President Zyra denied her point of order. Legislator Palumbo Appealed the Ruling of the Chair and the following vote was taken to Sustain the Ruling of the Chair:

Legislators Smith, Adair, Barker, Cassetti, Colby, DiRaddo, Dobson, Driscoll, Hanna, LaFountain, Malta, McCann, Quatro, Tucciarello, Valerio, Yolevich and Zyra- 17

Legislators Palumbo, Aldersley, Andrews, Bronson, Cruz, Eckel, Gamble, Haney, Heider, Lee, Lightfoot and O'Brien - 12

Intro. 164                      Be Adopted  
M. 55  
26-3                              *(Legislators Andrews, Haney and Lee voted in the negative)*

Intro. 159                      Main Motion  
Local Law No. TBA  
26-3                              *(Legislators Andrews, Haney and Lee voted in the negative)*

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### MOTIONS, RESOLUTIONS AND NOTICES

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3. LaFountain & 07-0148      Accepting Two Grants From New York State Board Of Elections For Voting Access  
McCann                      For Individuals With Disabilities Polling Place Access Improvement  
Intro. 177                      Ways and Means Committee; April 25, 2007 – CV: 10-0  
Res. 190  
29-0
4. LaFountain & 07-0149      Accepting Grant From New York State Board Of Elections For Voter Education And Poll  
McCann                      Worker Training Program  
Intro. 178                      Ways and Means Committee; April 25, 2007 – CV: 10-0  
Res. 191  
29-0
5. Barker,                      07-0129      Authorizing Intermunicipal Agreements With Other Counties For Forensic Laboratory  
Malta &                      Services  
LaFountain                      Public Safety Committee; April 23, 2007 – CV: 7-0  
Intro. 179                      Intergovernmental Committee; April 24, 2007 – CV: 5-0  
Res. 192                      Ways and Means Committee; April 25, 2007 – CV: 10-0  
29-0
6. Barker &                      07-0130      Authorizing Contract With Delphi Drug And Alcohol Council, Inc. For A DWI  
LaFountain                      Victim Advocate/Coordinator  
Intro. 180                      Public Safety Committee; April 23, 2007 – CV: 7-0  
Res. 193                      Ways and Means Committee; April 25, 2007 – CV: 10-0  
29-0
7. Barker &                      07-0131      Authorizing Contract With ACM Medical Laboratory, Inc. For Drugs Of Abuse  
LaFountain                      Testing Services  
Intro. 181                      Public Safety Committee; April 23, 2007 – CV: 7-0  
Res. 194                      Ways and Means Committee; April 25, 2007 – CV: 10-0  
28-0-1                              *(Legislator Tucciarello abstained from voting with permission from the President)*

8. Valerio & LaFountain  
Intro. 182  
Res. 195  
29-0  
07-0132  
Accepting Grant From New York State Office Of Parks, Recreation And Historic Preservation To Fund Services At Seneca Park Zoo  
Recreation and Education Committee; April 23, 2007 – CV: 4-0  
Ways and Means Committee; April 25, 2007 – CV: 10-0
9. Valerio & LaFountain  
Intro. 183  
Res. 196  
29-0  
07-0133  
Accepting Grant From New York State Office Of Parks, Recreation And Historic Preservation, To Fund A Project For The Highland And Durand-Eastman Parks' Arboreta  
Recreation and Education Committee; April 23, 2007 – CV: 4-0  
Ways and Means Committee; April 25, 2007 – CV: 10-0
10. Valerio & LaFountain  
Intro. 184  
Res. 197  
29-0  
07-0134  
Authorizing Contracts With Gay Alliance Of The Genesee Valley And Ten Ugly Men, Inc. For Ticketed Events In Monroe County Parks  
Recreation and Education Committee; April 23, 2007 – CV: 4-0  
Ways and Means Committee; April 25, 2007 – CV: 10-0
11. Valerio, Cassetti & LaFountain  
Intro. 185  
Res. 198  
29-0  
07-0135  
Amending 2007-2012 Capital Improvement Program To Add A Capital Project Entitled "Lamberton Conservatory Restoration Project;" Authorizing Acceptance Of Grant From New York State Parks, Recreation And Historic Preservation Environmental Protection Fund For Lamberton Conservatory Restoration Project; And Authorizing A Contract With Barkstrom And LeCroix Architects For Professional Services For The Lamberton Conservatory Restoration Project  
Recreation and Education Committee; April 23, 2007 – CV: 4-0  
Environment and Public Works Committee; April 25, 2007 – CV: 7-0  
Ways and Means Committee; April 25, 2007 – CV: 10-0
12. Valerio, Cassetti & LaFountain  
Intro. 186  
Res. 199  
29-0  
07-0135 br.  
Resolution Authorizing The Issuance of \$900,000 Bonds Of The County Of Monroe, New York, To Finance The Cost Of The Restoration And Improvement Of Lamberton Conservatory In And For Said County At An Estimated Maximum Cost Of \$900,000  
Recreation and Education Committee; April 23, 2007 – CV: 4-0  
Environment and Public Works Committee; April 25, 2007 – CV: 7-0  
Ways and Means Committee; April 25, 2007 – CV: 10-0
13. Dobson & LaFountain  
Intro. 187  
Res. 200  
29-0  
07-0136  
Accepting Grant From Finger Lakes Association, Inc. For Water Quality Program  
Human Services Committee; April 24, 2007 – CV: 8-0  
Ways and Means Committee; April 25, 2007 – CV: 10-0
14. Dobson & LaFountain  
Intro. 188  
Res. 201  
29-0  
07-0137  
Authorizing Contracts For Special Children's Services  
Human Services Committee; April 24, 2007 – CV: 8-0  
Ways and Means Committee; April 25, 2007 – CV: 10-0
15. Dobson & LaFountain  
Intro. 189  
Res. 202  
29-0  
07-0138  
Accepting Grant From New York State Office Of Temporary And Disability Assistance For Safety Net Assistance Project  
Human Services Committee; April 24, 2007 – CV: 8-0  
Ways and Means Committee; April 25, 2007 – CV: 10-0

16. Dobson & LaFountain  
Intro. 190  
Res. 203  
29-0  
07-0139      Accepting Grant From New York State Office Of Temporary And Disability Assistance For Intensive Case Services For Non-Compliant And Under-Employed Families  
Human Services Committee; April 24, 2007 – CV: 8-0  
Ways and Means Committee; April 25, 2007 – CV: 10-0
17. Dobson & LaFountain  
Intro. 191  
Res. 204  
29-0  
07-0140      Amending Resolution 162 Of 2006 To Accept Additional Funding From New York State Department Of Health For Assets Coming Together For The Youth Initiative;  
Amending Contract With Coordinated Care Services, Inc.  
Human Services Committee; April 24, 2007 – CV: 8-0  
Ways and Means Committee; April 25, 2007 – CV: 10-0
18. Cassetti & LaFountain  
Intro. 192  
Res. 205  
29-0  
07-0141      Authorizing Contracts With The C.H. Byron Co., Inc., John W. Danforth Company, Michael A. Ferraulo Plumbing And Heating, Inc., Sunshine Environmental Services, Inc., And Blackmon-Farrell Electric, Inc. for Construction Of Monroe County Public Safety Building Renovation Project – Phase II  
Environment and Public Works Committee; April 25, 2007 – CV: 7-0  
Ways and Means Committee; April 25, 2007 – CV: 10-0
19. Cassetti & LaFountain  
Intro. 193  
Res. 206  
29-0  
07-0142      Amending 2007-2012 Capital Improvement Program To Increase Project Cost For Project Entitled “Construct Runway 10/28 Safety Improvements At The Airport”  
Environment and Public Works Committee; April 25, 2007 – CV: 7-0  
Ways and Means Committee; April 25, 2007 – CV: 10-0
20. Cassetti & LaFountain  
Intro. 194  
Res. 207  
29-0  
07-0142br.      Resolution Authorizing The Issuance Of \$28,000,000 Bonds Of The County Of Monroe, New York, To Finance The Cost Of The Construction Of Runway 10/28 Safety Improvements And Related Improvements, Including Incidental Improvements, At The Greater Rochester International Airport In And For Said County, And Superseding The Bond Resolution Adopted On February 14, 2006 (Resolution No. 35 of 2006)  
Environment and Public Works Committee; April 25, 2007 – CV: 7-0  
Ways and Means Committee; April 25, 2007 – CV: 10-0
21. Cassetti & LaFountain  
Intro. 195  
Res. 208  
29-0  
07-0143      Amending Resolution 459 Of 2005 Authorizing Glycol Permits At Greater Rochester International Airport  
Environment and Public Works Committee; April 25, 2007 – CV: 7-0  
Ways and Means Committee; April 25, 2007 – CV: 10-0
22. Cassetti & LaFountain  
Intro. 196  
Res. 209  
29-0  
07-0144      Authorizing Contract With Clough Harbour & Associates, LLP for Design Services For Rehabilitation Of Taxiway D – Contract 2 Project At Greater Rochester International Airport  
Environment and Public Works Committee; April 25, 2007 – CV: 7-0  
Ways and Means Committee; April 25, 2007 – CV: 10-0
23. LaFountain & McCann  
Intro. 197  
Res. 210  
29-0  
07-0145      Authorizing Professional Services Contract With EBS Benefit Solutions, Inc. (A Wholly Owned Subsidiary Of Excellus, Inc.) For Actuarial Services Related To Valuing Post-Employment Benefits For The County Of Monroe  
Ways and Means Committee; April 25, 2007 – CV: 10-0
24. LaFountain & McCann  
Intro. 198  
07-0146      Authorizing Contract With Frontier Communications Solutions To Utilize Excess Capacity On Monroe County Facilities  
Ways and Means Committee; April 25, 2007 – CV: 10-0

Intro. 199  
M. 68  
29-0

Heider/Aldersley

Motion to Amend Intro. 198 to insert the following to the end of the third paragraph:

Prior to the end of the original contract by May 14, 2012, "Free Zones" shall be established in the commercial districts of the towns of Greece, Irondequoit, and Brighton, and also the Villages of Brockport, Hilton, Fairport, Pittsford, and Webster. "Free Zones" established in The City of Rochester shall include the areas of downtown on East Main Street between the Intersections of Fitzhugh Street and East Avenue, and the Dewey Avenue Corridor between in the intersections of Driving Park and Ridge Road, and also Park Avenue between the intersections of Culver Road and Alexander Street.'

*President Zyra granted a brief recess at the request of Legislator Smith.*

Intro. 200  
M. 69  
29-0

Smith/Quatro

Motion to Amend Intro. 199 to read as follows:

Prior to the end of the original contract by May 14, 2012, Free Zones shall be established throughout all towns and villages and the City of Rochester subject to negotiation between the County Administration and Frontier.

Intro. 201  
M. 70

Aldersley/Palumbo

To Amend Intro. 200 to include as follows:

1. To hold a public hearing to assist in the designations of 'Free Zones' in Monroe County as result from the "Utilization of Excess Capacity on Monroe County Facilities."

The existing Section 1 will then become Section 2; and following that the existing Section 2 will become Section 3.

Intro. 202  
M. 71  
16-12

McCann/Quatro

Motion to Table Intro. 201

Legislator Palumbo raised a point of order in reference to the Motion to Table Intro. 201. President Zyra denied her point of order. Legislator Palumbo Appealed the Ruling of the Chair and the following vote was taken to Sustain the Ruling of the Chair as follows:

Legislators Smith, Adair, Barker, Cassetti, DiRaddo, Dobson, Driscoll, Hanna, LaFountain, Malta, McCann, Quatro, Tucciarello, Valerio, Yolevich and Zyra- 16 (*Legislator Colby left the Chambers prior to the vote*)

Legislators Palumbo, Aldersley, Andrews, Bronson, Cruz, Eckel, Gamble, Haney, Heider, Lee, Lightfoot and O'Brien - 12

Intro. 203  
M. 72

Haney/Palumbo

Motion to Amend Intro. 198 to insert the following to the end of Section 1 read as follows:

"Internet service provided pursuant to this contract shall be filtered to block access to pornographic material."

Legislator Smith raised a point of order stating that Legislator Haney's amendment is Out of Order. President Zyra concurred with Legislator Smith that the amendment does not pertain to Referral 07-0146. Legislator Palumbo raised a point of order and Appealed the Ruling of the Chair. The following vote was taken to Sustain the Ruling of the Chair as follows:

Legislators Smith, Adair, Barker, Cassetti, Colby, DiRaddo, Dobson, Driscoll, Hanna, LaFountain, Malta, McCann, Quatro, Tucciarello, Valerio, Yolevich and Zyra -17

Legislators Palumbo, Aldersley, Andrews, Bronson, Cruz, Eckel, Gamble, Haney, Heider, Lee, Lightfoot and O'Brien -  
12

*(Legislator Colby entered the Chambers prior to the vote and was present for the remainder of the meeting)*

Intro. 198  
Res. 211 (As Amended by M. 69)  
29-0

Main Motion

25. LaFountain & McCann 07-0147 Directing Correction, Cancellation And Levy Of Certain Monroe County Taxes In Town of Greece.  
Intro. 204 Ways and Means Committee; April 25, 2007 – CV: 10-0  
Res. 212  
29-0
26. Valerio & LaFountain 07-0153 Accepting Grant From Greater Rochester Outdoor Sports Facility Corporation; Authorizing Contract With N.Y. State Painting, Inc. For The Frontier Field Structural Steel Painting Project; And Authorizing Contract With The Pike Company, Inc. For The Frontier Field Precast Joint Concrete Project  
Intro. 205 Recreation and Education Committee; April 23, 2007 – CV: 4-0  
Res. 213 Ways and Means Committee; April 25, 2007 – CV: 10-0  
29-0
27. DiRaddo & Valerio 07-0198 Confirmation of Appointment to the Monroe County Library System Board Of Trustees Matter Of Urgency  
Intro. 206  
Res. 214  
29-0
28. Valerio & LaFountain 07-0199 Accepting Gift Of Funding From Seneca Park Zoo Society For Construction of Meerkat Exhibit  
Intro. 207 Matter Of Urgency  
Intro. 208  
M. 73  
29-0

Smith/Malta  
Motion to Amend Intro. 207 of 2007 as follows:

Be It Moved that Sections 1 and 2 of the resolution shall be amended to read as follows:

(Note: Added language is underlined. Deleted language is ~~stricken~~.)

Section 1. The County Executive, or her designee, is hereby authorized to accept a gift of funding, in ~~the estimated~~ an amount not to exceed of \$60,000, from the Seneca Park Zoo Society, for construction of a Meerkat Exhibit at the Seneca Park Zoo.

Section 2. The Finance Department is directed to appropriate ~~the estimated~~ an amount not to exceed of \$60,000 into Seneca Park Zoo Trust Fund 9609, funds center 880401000.

Intro. 207  
Res. 215 (As Amended by M. 73)  
29-0

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UNFINISHED BUSINESS

NONE

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Upon Motion by Legislator Smith, the Legislature adjourned at 10:25 P.M. until Tuesday, June 12, 2007 at 6:00 P.M.

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**DAVID M. BARRY, JR.**  
Clerk of the Legislature