

SEVENTH DAY

DRAFT

TUESDAY, June 12, 2007

Legislature met pursuant to adjournment.

President Wayne E. Zyra in the Chair.

ROLL CALL

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

Absent: Legislators Bronson, Cruz, Lightfoot and Valerio

Meeting formally opened. At the invitation of Legislator Calvin Lee, Jr., Pastor James L. Cherry of the Aeon Baptist Church delivered the invocation. The Pledge of Allegiance to the Flag was led by Legislator Stephanie Polowe Aldersley.

Note: President Zyra recognized Mary Pat Hancock, Chair of the Genesee County Legislature, Jay A. Gsell, Genesee County Manager, Legislator Charles Zambito and Scott D. German, Treasurer.

APPROVAL OF MINUTES

Without objection, the journal of the sessions of Day 6, May 8, 2007 was approved as submitted.

PETITIONS AND COMMUNICATIONS

PROCLAMATIONS

By the President of the Legislature — WAYNE E. ZYRA

Recognized Jointly with Legislator Robert J. Colby "Alan Jones – Spencerport Vocal Jazz Choir" for their outstanding vocal accomplishments.

Read and Filed

Recognized Jointly with Legislator Richard Yolevich "Hilton High School Marching Band, Jazz Ensemble, Wind Ensemble, Chorale and Women's Chorus" for earning top honors at the 2007 Festivals of Music adjudicated competition.

Read and Filed.

Recognized Jointly with Legislator Richard Yolevich "Hilton High School Winter Drumline" for winning its 10th straight New York State Percussion Circuit Championship.

Read and Filed.

Recognized Jointly with Legislator Michael G. Barker "Fairport Cheerleading Team" for winning first place at the American Open Cheerleading Championships.

Read and Filed.

Recognized Jointly with Legislator Michael G. Barker "Fairport Varsity Basketball Team" for winning first place at the Section V, Class AAA Competition.

Read and Filed.

Recognized Jointly with Legislator John G. Driscoll "Rush-Henrietta Girls Bowling Team" for their many accomplishments this season.

Read and Filed.

Recognized Jointly with Legislator John G. Driscoll "Rush-Henrietta Girls Basketball Team" for their many accomplishments this season.

Read and Filed.

Recognized Jointly with Legislator Travis R. Heider, Harry B. Bronson and Paul E. Haney "Janet Smith" for her lifelong commitment to education and her contribution to our community.

Read and Filed

Recognized Jointly with Legislator Paul E. Haney "Sister Jane Schur and the Sisters of Mercy" on the celebration of 150 years of compassionate humanitarian service to the people of Monroe County.

Read and Filed

Recognized Jointly with Legislators Edward M. O'Brien and Stephanie Polowe Aldersley "Eastridge Senior High Jazz Ensemble" for its outstanding musical accomplishments.

Recognized Jointly with Legislators Edward M. O'Brien and Stephanie Polowe Aldersley "Alex Norris" for his outstanding accomplishments in music.

Recognized Jointly with Legislators Edward M. O'Brien and Stephanie Polowe Aldersley "Rick Christo" for his outstanding accomplishments in music.

FORMAL COMMITTEE REPORTS

NONE

PUBLIC FORUM

An Open Forum was conducted to allow speakers to address the Legislature. Five speakers addressed the Legislature on various subjects and the Open Forum concluded at 6:50 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 June 12, 2007 and proceeded under the Usual Order of Business.

MOTIONS, RESOLUTIONS AND NOTICES

Note: President Zyra took the following items out of regular agenda order:

44. LaFountain & 07-0232.a Requesting The Assembly Of The State Of New York Pursuant To Article IX Of The
McCann Constitution To Enact Into Law Assembly Bill No. A.691 Entitled "An Act To Amend
Intro. 208 The Highway Law, In Relation To State Highways In Monroe County"
Res. 216 a. Matter Of Urgency
25-0
45. LaFountain & 07-0232.s Requesting The Senate Of The State Of New York Pursuant To Article IX Of The
McCann Constitution To Enact Into Law Senate Bill No. S. 4856 Entitled "An Act To Amend
Intro. 209 The Highway Law, In Relation To State Highways In Monroe County"
Res. 217 s. Matter Of Urgency
25-0
46. LaFountain & 07-0233.a Requesting The Assembly Of The State Of New York Pursuant To Article IX Of The
McCann Constitution To Enact Into Law Assembly Bill No. A. 7679 Entitled "An Act To Amend
Intro. 210 The Tax Law, In Relation To The Imposition Of Sales And Compensating Use Taxes By
Res. 218 a. The County Of Monroe"
25-0 Matter Of Urgency
47. LaFountain & 07-0233.s Requesting The Senate Of The State Of New York Pursuant To Article IX Of The
McCann Constitution To Enact Into Law Senate Bill No. S. 6000 Entitled "An Act To Amend
Intro. 211 The Tax Law, In Relation To The Imposition Of Sales And Compensating Use Taxes
Res. 219 s. By The County Of Monroe"
25-0 Matter Of Urgency
27. Cassetti & 07-0184 Approving The Issuance Of Refunding Bonds by Monroe County Water
LaFountain Authority To Refinance All Or A Portion Of Bonds Issued In 2001 To
Intro. 214 Finance The Cost Of Building A Water System In Genesee County
Res. 222 Environment and Public Works Committee; May 23, 2007 – CV: 8-0
25-0 Ways and Means Committee; May 23, 2007 – CV: 10-0

1. Dobson & LaFountain Intro. 215 07-0155 Resolution Requesting County Administration To Require Outcome Assessments From Municipalities And/Or Private Agencies Receiving County Funding Through Intermunicipal Agreements And Contracts Relating To Human Services And To Include Said Information In Legislative Referrals
Human Services Committee; May 22, 2007 – CV: 6-0
Ways and Means Committee; May 23, 2007 – CV: 10-0

Intro. 216
M. 74
9-16 F

Andrews/O'Brien
Motion to Amend Intro. No. 215 to read as follows:

“Requesting the County Administration to Require Outcome Assessments from Municipalities and/or Private Agencies Receiving County Funding through Intermunicipal Agreements and Contracts Relating to Human Services and To Include Said Information to Legislative Referrals”

Be Amended by striking the words “relating to human services” from the fourth paragraph, So that the paragraph reads as follows:

“We therefore ask the Administration to provide a summary of the following in referrals which authorize agreements and contracts with municipalities and/or private agencies for Purchase of Services:

- Primary objective (s) and/or primary deliverable (s)
- Primary performance measurement and/or indicator of success
- Brief description of the outcome assessment methodology
- Summary report on actual prior period performance if vendor is currently providing service or if vendor is new, evidence of ability to perform at required levels.”

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

Intro. 215
Res. 223
25-0

Main Motion

Note: President Zyra took the following item out of regular agenda order:

40. LaFountain & McCann Intro. 217 Res. 224 25-0 07-0196 Approving 2007-2008 Operating And Capital Budgets For Cultural Center Commission
Ways and Means Committee; May 23, 2007 – CV: 10-0
2. Driscoll & LaFountain Intro. 218 Res. 225 25-0 07-0162 Resolution Approving The Issuance Of Certain Bonds By The County Of Monroe Industrial Development Agency And Pledging Non-Interference With The Rights Of The Holders Of The Bonds
Planning and Economic Development Committee; May 21, 2007 – CV: 4-0
Ways and Means Committee; May 23, 2007 – CV: 10-0
3. Driscoll & LaFountain Intro. 219 Res. 226 25-0 07-0163 Resolution Approving The Issuance Of Certain Bonds By The County Of Monroe Industrial Development Agency And Pledging Non-Interference With The Rights Of The Holders Of The Bonds
Planning and Economic Development Committee; May 21, 2007 – CV: 4-0
Ways and Means Committee; May 23, 2007 – CV: 10-0
4. Driscoll & LaFountain Intro. 220 Res. 227 25-0 07-0164 Approving Submission Of 2007 Annual Action Plan For Housing And Community Development In Suburban Monroe County And Grant Submission To U.S. Department Of Housing And Urban Development
Planning and Economic Development Committee; May 21, 2007 – CV: 4-0
Ways and Means Committee; May 23, 2007 – CV: 10-0

5. LaFountain & 07-0165 Adopting 2008-2013 Capital Improvement Program
Driscoll, Planning and Economic Development Committee; May 21, 2007 – CV: 4-0
Barker, Ways and Means Committee; May 23, 2007 – CV: 10-0
Valerio, Public Safety Committee; May 21, 2007 – CV: 8-0
Cassetti, Recreation and Education Committee; May 22, 2007 – CV: 5-0
Dobson, Human Services Committee; May 22, 2007 – CV: 6-0
Malta, Intergovernmental Relations Committee; May 22, 2007 – CV: 5-0
Tucciarello, Environment and Public Works Committee; May 23, 2007 – CV: 8-0
Intro. 221 Transportation Committee; May 23, 2007 – CV: 7-0
(For Introductory Purposes Only)
6. LaFountain & 07-0165 Providing That Resolution (Intro. No. 221 Of 2007), Entitled "Adopting 2008-2013
Driscoll, Capital Improvement Program" Be Tabled
Barker,
Valerio,
Cassetti,
Dobson,
Malta,
Tucciarello
Intro. 222
M. 75
25-0
7. LaFountain & 07-0165 Fixing Public Hearing On Resolution (Intro. No. 221 Of 2007), Entitled "Adopting Of 2008-
Driscoll, 2013 Capital Improvement Program
Barker, *(Public Hearing is Scheduled for Tuesday, July 10, 2007 at 6:15 P.M.)*
Valerio,
Cassetti,
Dobson,
Malta,
Tucciarello
Intro. 223
Res. 228
25-0
8. Barker & 07-0166 Amending Resolution 129 of 2007 to Accept Additional Grant Funding From
LaFountain New York State Office Of Children And Family Services For Juvenile
Intro. 224 Justice Mental Health Project, And To Amend Contract With Unity Hospital
Res. 229 Of Rochester
25-0 Public Safety Committee; May 21, 2007 - CV: 8-0
Ways and Means Committee; May 23, 2007 – CV: 10-0
9. Barker & 07-0167 Accepting Grant From New York State Division Of Criminal Justice Services
LaFountain For Stop Violence Against Women Program
Intro. 225 Public Safety Committee; May 21, 2007 – CV: 8-0
Res. 230 Ways and Means Committee; May 23, 2007 - CV: 10-0
25-0
10. Barker & 07-0168 Accepting Grant From New York State Division Of Criminal Justice Services For
LaFountain Acquisition Of Caseload Explorer Software
Intro. 226 Public Safety Committee; May 21, 2007 – CV: 8-0
Res. 231 Ways and Means Committee; May 23, 2007 - CV: 10-0
25-0
11. Barker & 07-0169 Authorizing Contract With Good News Jail & Prison Ministry For Staff And
LaFountain Christian Material To Provide Counseling And Programs For Inmates At
Intro. 227 Monroe County Jail And Monroe Correctional Facility
Res. 232 Public Safety Committee; May 21, 2007 – CV: 8-0
25-0 Ways and Means Committee; May 23, 2007 – CV: 10-0

12. Barker & LaFountain
Intro. 228
Res. 233
25-0
07-0170 Authorizing Contract With Gary Perkins To Serve As Consultant To Department Of Public Safety, Division Of Public Safety Communications Public Safety Committee; May 21, 2007 - CV: 8-0
Ways and Means Committee; May 23, 2007 - CV: 10-0
13. Dobson & LaFountain
Intro. 229
Res. 234
25-0
07-0171 Amending Resolution 13 Of 2007 To Accept Additional Funding From New York State Office Of Temporary And Disability Assistance For 2006-2007 Home Energy Assistance Program
Human Services Committee; May 22, 2007 - CV: 6-0
Ways and Means Committee; May 23, 2007 - CV: 10-0
14. Dobson & LaFountain
Intro. 230
Res. 235
25-0
07-0172 Accepting Grant From New York State Department Of Health For Drinking Water Program
Human Services Committee; May 22, 2007 - CV: 6-0
Ways and Means Committee; May 23, 2007 - CV: 10-0
15. Dobson & LaFountain
Intro. 231
Res. 236
25-0
07-0173 Accepting Grant From Finger Lakes Association, Inc. For Special Projects Fund Program
Human Services Committee; May 22, 2007 - CV: 6-0
Ways and Means Committee; May 23, 2007 - CV: 10-0
16. Cassetti & LaFountain
Intro. 232
Res. 237
25-0
07-0174 Authorizing Contract With Barton & Loguidice, P.C. For Professional Engineering Services For Irondequoit Bay South Central Pure Waters District's Pattonwood Pump Station Improvements Project
Environment & Public Works Committee; May 23, 2007 - CV: 8-0
Ways and Means Committee; May 23, 2007 - CV: 10-0
17. Cassetti & LaFountain
Intro. 233
Res. 238
25-0
07-0176 Authorizing Contract With Lu Engineers For Professional Engineering Services For Irondequoit Bay South Central Pure Waters District's McEwen Drive Pump Station Improvements Project
Environment and Public Works Committee; May 23, 2007 - CV: 8-0
Ways and Means Committee; May 23, 2007 - CV: 10-0
18. Cassetti & LaFountain
Intro. 234
07-0178 Approving An Increase And Improvement Of Facilities In The Northwest Quadrant Pure Waters District For The Acquisition Of A Local Sewer System From The Eastman Kodak Company
Environment and Public Works Committee; May 23, 2007 - CV: 8-0
Ways and Means Committee; May 23, 2007 - CV: 10-0
(For Introductory Purposes Only)
19. Cassetti & LaFountain
Intro. 235
M. 76
25-0
07-0178 Providing That Resolution (Intro. No. 234 Of 2007), Entitled "Approving An Increase And Improvement Of Facilities In The Northwest Quadrant Pure Waters District For The Acquisition Of A Local Sewer System From The Eastman Kodak Company" Be Tabled
20. Cassetti & LaFountain
Intro. 236
Res. 239
25-0
07-0178 Calling A Public Hearing For The Purpose Of Considering A Proposed Increase And Improvement Of Facilities In The Northwest Quadrant Pure Waters District For The Acquisition Of A Local Sewer System From The Eastman Kodak Company"
(Public Hearing is Scheduled for Tuesday, July 10, 2007 at 6:16 P.M.)
21. Cassetti & LaFountain
Intro. 212
Res. 220
25-0
07-0180 Authorizing Acceptance Of Grants From MCC Foundation, Inc. And MCC Association, Inc., Authorizing Acceptance Of An Incentive Award From The New York State Energy Research And Development Authority For The New York Energy Smart New Construction Program For The Athletic Field House At Monroe Community College
Environment and Public Works Committee; May 23, 2007 - CV: 8-0
Ways and Means Committee; May 23, 2007 - CV: 10-0

22. Cassetti & LaFountain
Intro. 213
Res. 221
25-0
07-0180 br. Resolution Authorizing The Issuance Of \$12,900,000 Bonds Of The County Of Monroe, New York, To Finance The Cost Of The Construction, Improving, Equipping And Furnishing Of An Athletic Field House At Monroe Community College, In And For Said County, And Superseding The Bond Resolution Adopted On November 15, 2005 (Resolution NO. 348 Of 2005)
Environment and Public Works Committee; May 23, 2007 – CV: 8-0
Ways and Means Committee; May 23, 2007 – CV: 10-0
23. Cassetti & LaFountain
Intro. 237
Res. 240
25-0
07-0181 Authorizing Lease Agreement With United States Department Of Homeland Security, Transportation Security Administration, For Lease Of Space At The Greater Rochester International Airport
Environment and Public Works Committee; May 23, 2007 – CV: 8-0
Ways and Means Committee; May 23, 2007 – CV: 10-0
24. Cassetti & LaFountain
Intro. 238
Res. 241
25-0
07-0182 Authorizing Contract With Passero Associates For Design Services For The North Ramp Safety Improvements Project At The Greater Rochester International Airport
Environment and Public Works Committee; May 23, 2007 – CV: 8-0
Ways and Means Committee; May 23, 2007 – CV: 10-0
25. Cassetti & LaFountain
Intro. 239
Res. 242
25-0
07-0182 br. Resolution Authorizing The Issuance Of \$6,500,000 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 February 13, 2007 (Resolution No. 99 Of 2007)
Environment and Public Works Committee; May 23, 2007 – CV: 8-0
Ways and Means Committee; May 23, 2007 – CV: 10-0
26. Cassetti & LaFountain
Intro. 240
Res. 243
25-0
07-0183 Authorizing Contract With Paula Donuts Inc., d/b/a Dunkin Donuts, For Operation Of Two Food Concessions At Greater Rochester International Airport
Environment and Public Works Committee; May 23, 2007 – CV: 8-0
Ways and Means Committee; May 23, 2007 – CV: 10-0
28. Tucciarello & LaFountain
Intro. 241
Res. 244
25-0
07-0185 Authorizing Contract With Keeler Construction, Inc. For Construction Services For Construction Of The Calkins Road And Middle Road Improvement Project, Town Of Henrietta
Transportation Committee; May 23, 2007 – CV: 7-0
Ways and Means Committee; May 23, 2007 – CV: 10-0
29. Tucciarello & LaFountain
Intro. 242
Res. 245
25-0
07-0186 Authorizing Contract With BVR Construction, Inc. For Construction Services For Construction Of Gilmore Road Bridge Over Brockport Creek Project, Town Of Clarkson
Transportation Committee; May 23, 2007 - CV: 7-0
Ways and Means Committee; May 23, 2007 - CV: 10-0
30. Tucciarello & LaFountain
Intro. 243
Res. 246
25-0
07-0187 Authorizing Contract With Crane-Hogan Structural Systems, Inc. For Construction Services For The Construction Of Lawrence Road Bridge Over Moorman Creek Project, Town Of Clarkson
Transportation Committee; May 23, 2007 - CV: 7-0
Ways and Means Committee; May 23, 2007 - CV: 10-0
31. Tucciarello & LaFountain
Intro. 244
Res. 247
25-0
07-0188 Authorizing Contract With Crane-Hogan Structural Systems, Inc. For Construction Services For Construction Of The Lawrence Road Bridge Over Otis Creek Project, Town Of Clarkson
Transportation Committee; May 23, 2007 - CV: 7-0
Ways and Means Committee; May 23, 2007 – CV: 10-0

32. Tucciarello & LaFountain
Intro. 245
Res. 248
25-0
07-0188 br. Resolution Authorizing The Issuance Of \$735,000 Bonds Of The County Of Monroe, New York, To Finance The Cost Of The Reconstruction And Replacement Of Lawrence Road Bridge Over Otis Creek (Including Retaining Walls And Approaches Thereto), In And For Said County, And Superseding The Bond Resolution Adopted On November 15, 2005 (Resolution No. 406 Of 2005)
Transportation Committee; May 23, 2007 - CV: 7-0
Ways and Means Committee; May 23, 2007 - CV: 10-0
33. Barker, Tucciarello & LaFountain
Intro. 246
Res. 249
25-0
07-0189 Authorizing Contract With Wind-Sun Construction, Inc. For Construction Services For Construction Of Whitney Road Culvert Over Thomas Creek Project, Town Of Perinton
Transportation Committee; May 23, 2007 - CV: 7-0
Ways and Means Committee; May 23, 2007 - CV: 10-0
34. Tucciarello & Adair
Intro. 247
Res. 250
25-0
07-0190 Authorizing Use Of County Roads As A Detour Route During The Lake Ontario State Parkway Bridge Reconstruction Project By The New York State Department Of Transportation
Transportation Committee; May 23, 2007 - CV: 7-0
35. Barker, Tucciarello & LaFountain
Intro. 248
Res. 251
25-0
07-0191 Accepting Reimbursement From CSX Transportation, Inc. For Road Repairs Associated With The Train Derailment On S. Lincoln Road And Amending The 2007 Operating Budget Of The Department Of Transportation
Transportation Committee; May 23, 2007 - CV: 7-0
Ways and Means Committee; May 23, 2007 - CV: 10-0
36. LaFountain & McCann
Intro. 249
Intro. 250
M. 77
9-16 F
Intro. 249
Res. 252
16-9
07-0192 Authorizing Contract With Upstate Telecommunications Corporation For Leased Copier Management And Associated Services
Ways and Means Committee; May 23, 2007 - CV: 10-0
Haney/O'Brien
A Motion to Commit back to the Ways and Means Committee Referral # 07-0192
(Legislators Palumbo, Andrews, Aldersley, Eckel, Gamble, Haney, Heider, Lee and O'Brien voted in the positive)
Main Motion
(Legislators Palumbo, Andrews, Aldersley, Eckel, Gamble, Haney, Heider, Lee and O'Brien voted in the negative)
37. LaFountain & McCann
Intro. 251
Res. 253
25-0
07-0193 Mortgage Tax Distribution
Ways and Means Committee; May 23, 2007 - CV: 10-0
38. LaFountain & McCann
Intro. 252
Res. 254
25-0
07-0194 Directing Correction, Cancellation And Levy Of Certain Monroe County Taxes In The Town Of Greece
Ways and Means Committee; May 23, 2007 - CV: 10-0
39. LaFountain & McCann
Intro. 253
Res. 255
25-0
07-0195 Directing The Refund Of Certain Monroe County Taxes Levied And Collected Against Property In City Of Rochester
Ways and Means Committee; May 23, 2007 - CV: 10-0

41. LaFountain & McCann 07-0197 Directing The County Treasurer To Cause To Be Published And Printed In The Rochester Democrat And Chronicle The List Of Lands Charged With Unpaid Taxes, Pursuant To Chapter 441 Of The Laws Of 1938, As Amended Ways and Means Committee; May 23, 2007 – CV: 10-0
Intro. 254
Res. 256
25-0
42. DiRaddo & Tucciarello 07-0200 Appointment to the Monroe County Fire Advisory Board
Intro. 255
Res. 257
25-0
43. DiRaddo & Tucciarello 07-0201 Appointment to Cultural Center Commission
Intro. 256
Res. 258
25-0

Matters of Urgency

48. Dobson & LaFountain 07-0234 Accepting Grant From National Association Of County And City Health Officials For Medical Reserve Corps Capacity Building Program
Intro. 257
Res. 259
25-0
Matter Of Urgency
49. Dobson & Malta 07-0235 Confirming Nominations For Young Citizen Of The Year Award And Willie Lightfoot Youth Advocate Of The Year Award
Intro. 258
Res. 260
25-0
Matter Of Urgency

UNFINISHED BUSINESS

NONE

Upon Motion by Legislator Smith, the Legislature adjourned at 8:20 P.M. until Tuesday, July 10, 2007 at 6:00 P.M.

DAVID M. BARRY, JR.
Clerk of the Legislature