

SEVENTH DAY

TUESDAY, JUNE 13, 2006

Legislature met pursuant to adjournment.

President Wayne E. Zyra in the Chair.

ROLL CALL

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

Absent — Legislator Lightfoot - 1

Meeting formally opened. At the invitation of Legislator Stephanie Polowe Aldersley, Reverend Gordon Webster, Downtown United Presbyterian Church, delivered the invocation. The Pledge of Allegiance to the Flag was led by Legislator Glenn J. Gamble

IN MEMORIAM

44. Smith & Palumbo Intro. 188 Res. 143 28-0 06-0252 Expressing Regret Of The Monroe County Legislature On The Recent Passing Of Mrs. Elizabeth Nowatka Polowe Matter Of Urgency

This resolution was read into record and adopted unanimously with each Legislator rising in her or his place for a moment of silence.

APPROVAL OF MINUTES

Without objection, the journal of the session of Day 6, May 9, 2006 was approved as submitted.

PETITIONS AND COMMUNICATIONS

PROCLAMATIONS

By the President of the Legislature — WAYNE E. ZYRA

Recognized Jointly with Legislator Bill Smith "Andrew Kay" for being the 2006 Boy's State Golf Champion.
Read and Filed.

Recognized "Tracey Britton" for being identified as the National Soccer Coaches Association of America Junior College Division I Women's 'Coach of the Year'.
Read and Filed.

Recognized "Kelley VanDenburg" for winning the 2006 Girl's State Golf Championship.
Read and Filed.

Recognized Jointly with Legislators E. Daniel Quatro, R. Anthony LaFountain and Stephanie Polowe Aldersley "Paul Averill" for his unwavering courage and perseverance, and ability to inspire those facing similar adversity in their own lives.
Read and Filed.

Recognized Jointly with Legislators Bill Smith and Carla M. Palumbo "Krystal Hooper" for serving as an inspiration to our community.
Read and Filed.

Recognized Jointly with Legislator Calvin Lee, Jr. "Reverend Errol Hunt" of the Frederick Douglass Community Development Corporation for its invaluable contribution to our community.
Read and Filed.

FORMAL COMMITTEE REPORTS

NONE

PUBLIC FORUM

An Open Forum was conducted to allow speakers to address the Legislature. Twenty-two speakers addressed the Legislature on various subjects and the Open Forum concluded at 7:33 P.M.

MOTIONS, RESOLUTIONS AND NOTICES

Intro. 189
M. 38
11-17

Heider/Eckel
Motion to Suspend the Rules for the Purpose of Considering a Rejected Proposed Referral entitled "Cap Of County Sales Tax on Gasoline"
(Legislators Palumbo, Aldersley, Andrews, Bronson, Cruz, Eckel, Gamble, Haney, Heider, Lee and O'Brien voted in the positive)

1. Driscoll & LaFountain
Intro. 190
Res. 144
28-0 06-0172 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; April 24, 2006 - CV: 5-0
Ways and Means Committee; April 26, 2006 - CV: 10-0
 2. Colby & Valerio
Intro. 191
Res. 145
28-0 06-0174 Reappointment To Monroe Community College Board Of Trustees
 3. Colby & Valerio
06-0175 Reappointment To Monroe County Water Authority Board
-

RECESS

President Zyra requested a brief recess.

RECONVENING LEGISLATURE

President Zyra reconvened the recessed meeting of June 13, 2006 and proceeded under the Usual Order of Business.

-
- | | | |
|---|---------|--|
| Colby &
Valerio
Intro. 192
Res. 146
17-11 | 06-0175 | |
| | | <i>(Legislators Palumbo, Aldersley, Andrews, Bronson, Cruz, Eckel, Gamble, Haney, Heider, Lee and O'Brien voted in the negative)</i> |
| 4. Driscoll &
LaFountain
Intro. 193
Res. 147
28-0 | 06-0180 | Approving 2006-2007 Operating And Capital Budgets For The Cultural Center Commission
Planning and Economic Development Committee; May 22, 2006 - CV: 5-0
Ways and Means Committee; May 25, 2006 - CV: 9-0 |
| 5. Driscoll &
LaFountain
Intro. 194
Res. 148
28-0 | 06-0181 | Approving Submission Of Monroe County 2006 Annual Action Plan To United States Department Of Housing And Urban Development (HUD); Accepting Grant From HUD For Community Development Programs; And Authorizing Agreements
Planning and Economic Development Committee; May 22, 2006 - CV: 5-0
Ways and Means Committee; May 25, 2006 - CV: 9-0 |
| 6. Driscoll &
LaFountain
Intro. 195
Res. 149
28-0 | 06-0182 | 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 22, 2006 - CV: 5-0
Ways and Means Committee; May 25, 2006 - CV: 9-0 |
| 7. Driscoll,
LaFountain,
Barker,
Valerio,
Cassetti,
Dobson,
Malta &
Tucciarello
Intro. 196 | 06-0183 | Adopting 2007-2012 Capital Improvement Program
Planning and Economic Development Committee; May 22, 2006 - CV: 5-0
Ways and Means Committee; May 25, 2006 - CV: 9-0
Public Safety Committee; May 22, 2006 - CV: 7-0
Recreation and Education Committee; May 23, 2006 - CV: 5-0
Human Services Committee; May 23, 2006 - CV: 7-0
Intergovernmental Relations Committee; May 23, 2006 - CV: 4-0
Environment and Public Works Committee; May 24, 2006 - CV: 7-0
Transportation Committee; May 24, 2006 - CV: 5-0
<i>(For Introductory Purposes Only)</i> |
| 8. Driscoll,
LaFountain,
Barker,
Valerio,
Cassetti,
Dobson,
Malta &
Tucciarello
Intro. 197
M. 39
28-0 | 06-0183 | Providing That Resolution (Intro. No. _____ Of 2006), "Adopting 2007-2012 Capital Improvement Program" Be Tabled |

9. Driscoll, 06-0183 Fixing Public Hearing For Adoption Of 2007-2012 Capital Improvement Program
LaFountain, (Public Hearing is Scheduled for July 11, 2006 at 6:15 P.M.)
Barker,
Valerio,
Cassetti,
Dobson,
Malta &
Tucciarello
Intro. 198
Res. 150
28-0
10. Barker & 06-0184 Accepting Grant From New York State Division Of Criminal Justice Services For Public
LaFountain Defender Enhanced Defense Program
Intro. 199 Public Safety Committee; May 22, 2006 - CV: 7-0
Res. 151 Ways and Means Committee; May 25, 2006 - CV: 9-0
28-0
11. Barker & 06-0185 Accepting Grant From New York State Division Of Criminal Justice Services For Public
LaFountain Defender Appeals Backlog Reduction Project
Intro. 200 Public Safety Committee; May 22, 2006 - CV: 7-0
Res. 152 Ways and Means Committee; May 25, 2006 - CV: 9-0
28-0
12. Barker & 06-0186 Accepting Gift From Crimson Fire For Use Of Fire Pumper Vehicle
LaFountain Public Safety Committee; May 22, 2006 - CV: 7-0
Intro. 201 Ways and Means Committee; May 25, 2006 - CV: 9-0
Res. 153
28-0
13. Barker, 06-0187 Authorizing Intermunicipal Agreement With Penfield Central School District For
Malta & Purchase Of Fuel For Monroe County Sheriff's Office Vehicles
LaFountain Public Safety Committee; May 22, 2006 - CV: 7-0
Intro. 202 Intergovernmental Relations Committee - May 23, 2006 - CV: 4-0
Res. 154 Ways and Means Committee; May 25, 2006 - CV: 9-0
28-0
14. Barker, 06-0188 Authorizing Intermunicipal Agreement With Town Of Penfield For Purchase Of
Malta & Fuel For Monroe County Sheriff's Office Vehicles
LaFountain Public Safety Committee; May 22, 2006 - CV: 7-0
Intro. 203 Intergovernmental Relations Committee; May 23, 2006 - CV: 4-0
Res. 155 Ways and Means Committee; May 25, 2006 - CV: 9-0
28-0
15. Barker & 06-0189 Accepting Grant From New York State Division Of Criminal Justice Services For
LaFountain Sheriff's Greenhouse Vocational Program
Intro. 204 Public Safety Committee; May 22, 2006 - CV: 7-0
Res. 156 Ways and Means Committee; May 25, 2006 - CV: 9-0
28-0
16. Barker & 06-0190 Authorizing Contract With Justice Benefits, Inc. To Identify And Process
LaFountain Federal Reimbursement Programs For Monroe County Sheriff's Office
Intro. 205 Public Safety Committee; May 22, 2006 - CV: 7-0
Res. 157 Ways and Means Committee; May 25, 2006 - CV: 9-0
28-0

17. Barker & LaFountain
Intro. 206
Res. 158
28-0
06-0191
Accepting Grant From New York State Division Of Criminal Justice Services For Firearm Lab Capacity Enhancement Initiative
Public Safety Committee; May 22, 2006 - CV: 7-0
Ways and Means Committee; May 25, 2006 - CV: 9-0
18. Valerio & LaFountain
Intro. 207
Res. 159
28-0
06-0192
Authorizing Application For Grant From New York State Office Of Parks, Recreation And Historic Preservation For Restoration Of Warner Castle In Highland Park
Recreation and Education Committee; May 23, 2006 - CV: 5-0
Ways and Means Committee; May 25, 2006 - CV: 9-0
19. Dobson & LaFountain
Intro. 208
Res. 160
28-0
06-0193
Amending Resolution 451 Of 2005, As Amended By Resolution 44 Of 2006, To Accept Additional Funding From New York State Office Of Temporary And Disability Assistance For The 2005-2006 Home Energy Assistance Program
Human Services Committee; May 23, 2006 - CV: 7-0 (As Amended)
Ways and Means Committee; May 25, 2006 - CV: 9-0 (As Amended in Human Services)
20. Dobson & LaFountain
Intro. 209
Res. 161
28-0
06-0194
Accepting Funding From University Of Rochester For Sexually Transmitted Disease Prevention Training Center Program
Human Services Committee; May 23, 2006 - CV: 7-0
Ways and Means Committee; May 25, 2006 - CV: 9-0
21. Dobson & LaFountain
Intro. 210
Res. 162
28-0
06-0195
Accepting Grant From New York State Department Of Health; Authorizing Contract With Coordinated Care Services, Inc. For Assets Coming Together For The Youth Initiative
Human Services Committee; May 23, 2006 - CV: 7-0
Ways and Means Committee; May 25, 2006 - CV: 9-0
22. Cassetti & LaFountain
Intro. 211
Res. 163
28-0
06-0196
Authorizing Contract With Clough Harbour & Associates, LLP For Design Services For The Relocation Of Very High Frequency Omni Range Directional Aid And Related Improvements Project At Greater Rochester International Airport
Environment and Public Works Committee; May 24, 2006 - CV: 7-0
Ways and Means Committee; May 25, 2006 - CV: 9-0
23. Cassetti & LaFountain
Intro. 212
06-0197
Amending Resolution 418 Of 1979 As Amended By Resolution 450 Of 1986 To Amend The Lease Agreement With Federal Express Corporation At The Greater Rochester International Airport
Environment and Public Works Committee; May 24, 2006 - CV: 7-0
Ways and Means Committee; May 25, 2006 - CV: 9-0
(For Introductory Purposes Only)
24. Cassetti & LaFountain
Intro. 213
M. 40
28-0
06-0197
Providing that Resolution (Intro. No. ___ Of 2006), Entitled "Amending Resolution 418 Of 1979 As Amended By Resolution 450 Of 1986 To Amend The Lease Agreement With Federal Express Corporation At The Greater Rochester International Airport" Be Tabled
Environment and Public Works Committee; May 24, 2006 - CV: 7-0
Ways and Means Committee; May 25, 2006 - CV: 9-0
25. Cassetti & LaFountain
Intro. 214
Res. 164
28-0
06-0197
Fixing A Public Hearing On Resolution (Intro. No. ___ Of 2006), Entitled "Amending Resolution 418 Of 1979 As Amended By Resolution 450 Of 1986 To Amend The Lease Agreement With Federal Express Corporation At The Greater Rochester International Airport
Environment and Public Works Committee; May 24, 2006 - CV: 7-0
Ways and Means Committee; May 25, 2006 - CV: 9-0
(Public Hearing is Scheduled for July 11, 2006 at 6:16 P.M.)

26. Colby & Valerio
Intro. 215
Res. 165
28-0 06-0198 Confirmation Of Appointment To The Monroe County Airport Authority
Agenda Charter Committee; May 24, 2006 - CV: 5-0

27. Hanna, Tucciarello & LaFountain
Intro. 216
Res. 166
28-0 06-0199 Amending The 2006-2011 Capital Improvement Program To Advance Funds For
Design Of The Jefferson Avenue Project; Authorizing Contract For Engineering Services
With LaBella Associates, P.C. And Authorizing Contract With New York State Department
Of Transportation
Transportation Committee; May 24, 2006 - CV: 5-0
Ways and Means Committee; May 25, 2006 - CV: 9-0

28. Hanna, Tucciarello & LaFountain
Intro. 217
Res. 167
28-0 06-0199 br. Resolution Authorizing The Issuance Of \$325,000 Bonds Of The County Of Monroe, New
York, To Finance The Cost Of The Preliminary Planning And Design Of Jefferson Avenue
Between Ayrault Road And NY Route 31F In And For Said County At An Estimated
Maximum Cost Of \$325,000
Transportation Committee; May 24, 2006 - CV: 5-0
Ways and Means Committee; May 25, 2006 - CV: 9-0

29. Tucciarello & LaFountain
Intro. 218
Res. 168
28-0 06-0200 Authorizing Contract With Crane-Hogan Structural Systems, Inc. For Replacement
Of The Dewey Avenue Culvert Over Slater Creek, Town Of Greece
Transportation Committee; May 24, 2006- CV: 5-0
Ways and Means Committee; May 25, 2006 - CV: 9-0

30. Malta, Tucciarello & LaFountain
Intro. 219
Res. 169
28-0 06-0201 Authorizing Contract With Wind-Sun Construction, Inc. For Construction Services And
Authorizing A Contract Amendment With Popli Consulting Engineers And Surveyors For
Resident Project Representation Services For Construction Of The Basket Road
Bridge Over Fourmile Creek Project, Town Of Webster
Transportation Committee; May 24, 2006- CV: 5-0
Ways and Means Committee; May 25, 2006 - CV: 9-0

31. Tucciarello & LaFountain
Intro. 220
Res. 170
28-0 06-0202 Authorizing Acquisition Of Property Interests In Real Property For Pond Road
Culvert Replacement Project, Town Of Mendon
Transportation Committee; May 24, 2006- CV: 5-0
Ways and Means Committee; May 25, 2006 - CV: 9-0

32. Tucciarello & LaFountain
Intro. 221
Res. 171
28-0 06-0203 Authorizing Acquisition Of Property Interests In Real Property For Long Pond
Road Traffic Signal Project, Town Of Greece
Transportation Committee; May 24, 2006- CV: 5-0
Ways and Means Committee; May 25, 2006 - CV: 9-0

33. Tucciarello & LaFountain
Intro. 222
Res. 172
28-0 06-0204 Authorizing Acquisition Of Property Interests In Real Property For Salt Road Culvert
Replacement Project, Town Of Penfield
Transportation Committee; May 24, 2006- CV: 5-0
Ways and Means Committee; May 25, 2006 - CV: 9-0

34. Tucciarello & LaFountain
Intro. 223
Res. 173
28-0 06-0205 Authorizing Acquisition Of Property Interests In Real Property For Dewey Avenue
Culvert Replacement Project, Town Of Greece
Transportation Committee; May 24, 2006 - CV: 5-0
Ways and Means Committee; May 25, 2006 - CV: 9-0

35. Tucciarello & LaFountain 06-0206
Intro. 224
Res. 174
28-0
Authorizing Acquisition Of Property Interests In Real Property For Bulls Sawmill Road Culvert Project, Town Of Mendon
Transportation Committee; May 24, 2006 - CV: 5-0
Ways and Means Committee; May 25, 2006 - CV: 9-0
36. LaFountain & McCann 06-0207
Intro. 225
Res. 175
28-0
Authorizing Sale Of County-Owned Tax Foreclosed Property, Village Of Churchville
Ways and Means Committee; May 25, 2006 - CV: 9-0
37. Yolevich , LaFountain & McCann 06-0208
Intro. 226
Res. 176
28-0
Authorizing Sale Of County-Owned Tax Foreclosed Property, Town Of Sweden
Ways and Means Committee; May 25, 2006 - CV: 9-0
38. Yolevich, LaFountain & McCann 06-0209
Intro. 227
Res. 177
28-0
Authorizing Abandonment Of A Portion Of Parma Center Road Right-Of-Way, Town Of Parma
Ways and Means Committee; May 25, 2006 - CV: 9-0
39. LaFountain & McCann 06-0210
Intro. 228
Res. 178
28-0
Authorizing Sale Of County-Owned Tax Foreclosed Property, Town Of Irondequoit
Ways and Means Committee; May 25, 2006 - CV: 9-0
40. LaFountain & McCann 06-0211
Intro. 229
Res. 179
28-0
Authorizing Abandonment Of Portion Of Titus Avenue Right-Of-Way, Town Of Irondequoit
Ways and Means Committee; May 25, 2006 - CV: 9-0
41. LaFountain & McCann 06-0212
Intro. 230
Res. 180
28-0
Directing The Refund Of Certain Monroe County Taxes Levied And Collected Against Property In City Of Rochester
Ways and Means Committee; May 25, 2006 - CV: 9-0
42. LaFountain & McCann 06-0213
Intro. 231
Res. 181
28-0
Directing Correction, Cancellation And Levy Of Certain Monroe County Taxes In City Of Rochester
Ways and Means Committee; May 25, 2006 - CV: 9-0
43. LaFountain & McCann 06-0214
Intro. 232
Res. 182
28-0
Mortgage Tax Distribution
Ways and Means Committee; May 25, 2006 - CV: 9-0

Matters of Urgency

45. LaFountain & 06-0253 Approving Agreement Between Monroe County And
McCann Civil Service Employees Association, Part-Time Employee
Intro. 233 Unit
Res. 183 Matter Of Urgency
28-0 (*Legislator Cassetti declared his interest prior to the vote*)

UNFINISHED BUSINESS

NONE

Upon Motion by Legislator Smith, the Legislature adjourned at 8:07 P.M. until Tuesday, July 11, 2006 at 6:00 P.M.

DAVID M. BARRY, JR.
Clerk of the Legislature