

NINTH DAY

TUESDAY, JULY 8, 2008

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Legislature met pursuant to adjournment.

President Wayne E. Zyra in the Chair.

ROLL CALL

Present — Legislators Adair, Andrews, Barker, Beebe, Bronson, Cassetti, Colby, Daniele, Dobson, Driscoll, Eckel, Gamble, Gumina, Haney, Hanna, Kaleh, LaFountain, Lee, Lightfoot, McCann, O'Brien, Quatro, Tucciarello, Valerio, Yolevich, Zyra – 26

Absent – Legislators Cruz, Esposito and Heider - 3

Meeting formally opened. President Zyra requested a Moment of Silent Prayer. The Pledge of Allegiance to the Flag was led by Legislator R. Anthony LaFountain.

APPROVAL OF MINUTES

Without objection, the journals of the sessions of Day 7, June 10, 2008 and Day 8, Special Meeting, June 19, 2008 were approved as submitted.

MOTIONS, RESOLUTIONS AND NOTICES

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|-----|---|---------|---|
| 25. | Quatro &
Bronson
Intro. 209
Res. 159 | 08-0235 | Expressing Regret of the Monroe County Legislature on the Recent Passing of United States Marine Corp. Captain Philip J. Dykeman
Matter Of Urgency |
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This resolution was read into the record and adopted unanimously with each Legislator rising in his or her place for a moment of silence.

PETITIONS AND COMMUNICATIONS

PROCLAMATIONS

By the President of the Legislature — Wayne E. Zyra

Recognized Jointly with Legislators Vincent Esposito and Edward M. O'Brien "Victor Ingrasia" for his exemplary heroism and dedication to the safety and well-being of his fellow citizens.

Read and Filed.

Recognized Jointly with Legislator Willie J. Lightfoot “ Evangela Stanley” for her tremendous community service and contributions to the 19th Ward and to all of Monroe County.

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 Law Nos. 6 And 7 Of 2005 And Local Law Nos. 2, 3, 6, 9 And 10 Of 2006 And Local Law Nos. 1, 4, 7 and 8 Of 2007 And Local Law Nos. 3, 5 And 6 Of 2008 To Revise Empire Zone Boundary.” No speakers addressed the Legislature and the hearing concluded at 6:14 P.M.

“Adopting 2009-2014 Capital Improvement Program” No speakers addressed the Legislature and the hearing concluded at 6: 15 P.M.

RECONVENING LEGISLATURE

President Zyra reconvened the recessed meeting of July 8, 2008 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 6:45 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 July 8, 2008 and proceeded under the Usual Order of Business.

LOCAL LAWS

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- | | | |
|---|---------|---|
| 1. Tucciarello & Hanna
Intro. 210
M. 40
26-0 | 08-0162 | Providing That Local Law (Intro. No. 173 Of 2008), 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 Nos. 1, 4, 7 And 8 Of 2007 And Local Laws No. 3, 5 And Local Law Nos. 3, 5 And 6 Of 2008 To Revise Empire Zone Boundary” Be Lifted From The Table |
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2. Tucciarello & Hanna 08-0162 Providing That Local Law (Intro. No. 173 Of 2008), 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 Nos. 1, 4, 7 And 8 Of 2007 And Local Law Nos. 3, 5 And 6 Of 2008 To Revise Empire Zone Boundary" Be Adopted
- Intro. 211
M. 41
26-0
- Intro. 173
Local Law No. TBA
26-0
- Main Motion

MOTIONS, RESOLUTIONS AND NOTICES

3. Tucciarello, Valerio, Barker, Colby, Dobson, Cassetti, Hanna & LaFountain 08-0161 Providing That Resolution (Intro. No. 180 Of 2008), Entitled "Adopting 2009-2014 Capital Improvement Program" Be Lifted From The Table
- Intro. 212
M. 42
26-0

4. Tucciarello, Valerio, Barker, Colby, Dobson, Cassetti, Hanna & LaFountain 08-0161 Providing That Resolution (Intro. No. 180 Of 2008), Entitled "Adopting 2009-2014 Capital Improvement Program" Be Adopted
- Planning and Economic Development Committee; May 27, 2008 – CV: 5-0
Recreation and Education Committee; May 27, 2008 – CV: 5-0
Public Safety Committee; May 27, 2008 – CV: 9-0
Transportation Committee; May 28, 2008 – CV: 8-0
Intergovernmental Relations Committee; May 28, 2008 – CV: 5-0
Environment and Public Works Committee; May 28, 2008 – CV: 7-0
Human Services Committee; May 27, 2008 – CV: 7-0
Ways and Means Committee; May 28, 2008 – CV: 10-0
- Intro. 213
M. 43

Intro. 214
M. 44
11-15 F

Haney/Beebe (*Amendment 1*)

To amend the 2009-2014 Capital Improvement Program as follows:

- 1) To establish a new funding source code "cc" which will stand for "County Cash Capital."
- 2) To list the following projects to be funded by "County Cash Capital" beginning in the year 2011.

Page 13 – Planning and Feasibility Studies (\$400,000)

Page 38 - Equipment/Vehicle Parks (\$121,000) and
Equipment/Vehicles Highways and Bridges (\$205,000)

Page 41 – Fire and Security System Improvements (\$375,000)

Page 46 – Buildings and Structures (\$600,000) and Utilities, Access
And Site Improvements (\$600,000)

Page 65 – Spot Improvements Projects (\$550,000)

(Legislators Bronson, Andrews, Beebe, Eckel, Gamble, Gumina, Haney, Kaleh, Lee, Lightfoot and O'Brien voted in the positive)

Intro. 215
M. 45
11-15 F

Gumina/O'Brien (*Amendment 2*)
To amend the 2009-2014 Capital Improvement Program as follows:

To insert the following onto Page 13: "Planning and Feasibility"

"In response to considerable public input, a portion of these funds will be committed towards the commission of an Irondequoit Bay Outlet Bridge feasibility study to determine options for bridge mobility, not to exceed \$100,000."

(Legislators Bronson, Andrews, Beebe, Eckel, Gamble, Gumina, Haney, Kaleh, Lee, Lightfoot and O'Brien voted in the positive)

Intro. 180
Res. 160
26-0

Main Motion

5. Yolevich & Dobson
Intro. 216
Res. 161
26-0 08-0188 Reappointment To Monroe County Board Of Elections
6. Barker & LaFountain
Intro. 217
Res. 162
26-0 08-0194 Authorizing Contract With Nancy E. Abrams For Review And Evaluation Of Promotional Procedures Of Monroe County Sheriff's Office As They Relate To Civil Service System
Public Safety Committee; June 23, 2008 – CV: 8-0
Ways and Means Committee; June 25, 2008 – CV: 10-0
7. Barker & LaFountain
Intro. 218
Res. 163
26-0 08-0195 Accepting Additional Funding From New York State Unified Court System For Additional Court Security Staff And Authorizing Creation Of Two Positions
Public Safety Committee; June 23, 2008 – CV: 8-0
Ways and Means Committee; June 25, 2008 – CV: 10-0
8. Hanna & LaFountain
Intro. 219
Res. 164
26-0 08-0196 Accepting Grant From New York State Department Of Health For HIV Client Services – Emerging Communities Program
Human Services Committee; June 24, 2008 – CV: 6-0
Ways and Means Committee; June 25, 2008 – CV: 10-0
9. Cassetti & LaFountain
Intro. 220
Res. 165
26-0 08-0197 Authorizing Contract With Bero Architecture, P.C. For Professional Services For Monroe Community Hospital Faith Building Masonry Repairs And Hope Building Roof Replacement Project
Environment and Public Works Committee; June 25, 2008 – CV: 7-0
Ways and Means Committee; June 25, 2008 – CV: 10-0
10. Cassetti & LaFountain
Intro. 221
Res. 166
26-0 08-0198 Authorizing Contract With Malcolm Pirnie, Inc. For Professional Engineering Services For Rochester Pure Waters District's Frank E. VanLare Wastewater Treatment Facility Solids Thickener Improvements Project
Environment and Public Works Committee; June 25, 2008 – CV: 7-0
Ways and Means Committee; June 25, 2008 – CV: 10-0
11. Cassetti & LaFountain
Intro. 222
Res. 167
26-0 08-0200 Authorizing Contract With O'Brien & Gere Engineers, Inc. For Professional Services For Gates-Chili-Ogden Sewer District's Southwest Pump Station Improvements Project
Environment and Public Works Committee; June 25, 2008 – CV: 7-0
Ways and Means Committee; June 25, 2008 – CV: 10-0

12. Cassetti & LaFountain Intro. 223 Res. 168 26-0 08-0202 Authorizing Contract With ARCADIS Of New York (ARCADIS) For Professional Engineering Services For Gates-Chili-Ogden Sewer District's Central Gates Pump Station Improvements Project Environment and Public Works Committee; June 25, 2008 – CV: 7-0 Ways and Means Committee; June 25, 2008 – CV: 10-0
13. Colby & LaFountain Intro. 224 Res. 169 26-0 08-0204 Accepting Additional Funding From New York State Department Of Transportation For State Supported Consolidated Local Street And Highway Improvement Program, Accept Multi-Modal Funding From New York State Department Of Transportation, And Amending 2008 Operating Budget Of The Department Of Transportation Transportation Committee; June 25, 2008 – CV: 8-0 Ways and Means Committee; June 25, 2008 – CV: 10-0
14. Colby, Yolevich & LaFountain Intro. 225 Res. 170 26-0 08-0205 Authorizing Contract For Engineering Services With Lu Engineers And Authorizing Agreement With New York State Department Of Transportation For Replacement Of Peck Road Bridge At Salmon Creek Project In Town Of Parma Transportation Committee; June 25, 2008 – CV: 8-0 Ways and Means Committee; June 25, 2008 – CV: 10-0
15. Colby & LaFountain Intro. 226 Res. 171 26-0 08-0206 Authorizing Contract For Engineering Services With Clark Patterson Lee And Authorizing A Contract With New York State Department Of Transportation For Replacement Of Lawrence Road Bridge At Brockport Creek Project In Town Of Clarkson Transportation Committee; June 25, 2008 – CV: 8-0 Ways and Means Committee; June 25, 2008 – CV: 10-0
16. Colby & LaFountain Intro. 227 Res. 172 26-0 08-0207 Authorizing Contract For Engineering Services With Popli Consulting Engineers & Surveyors And Authorizing Contract With New York State Department Of Transportation For Replacement Of North Greece Road Bridge At Northrup Creek Project In Town Of Greece Transportation Committee; June 25, 2008 – CV: 8-0 Ways and Means Committee; June 25, 2008 – CV: 10-0
17. LaFountain & Barker Intro. 228 Res. 173 26-0 08-0208 Authorizing Settlement Of Lawsuit Entitled “Jo Ann E. Callarama V. County Of Monroe” Ways and Means Committee; June 25, 2008 – CV: 10-0
18. LaFountain & Barker Intro. 229 Res. 174 26-0 08-0209 Authorizing Settlement Of Lawsuit Entitled “Steve A. Maples, Sr., Et Al. V. County Of Monroe, Et Al” Ways and Means Committee; June 25, 2008 – CV: 10-0
19. Colby & LaFountain Intro. 230 Res. 175 26-0 08-0212 Authorizing Contract With Keeler Construction Company, Inc. For Lake Road Hylan Drive Crittenden Road Improvement Project Transportation Committee; June 25, 2008 – CV: 8-0 Ways and Means Committee; June 25, 2008 – CV: 10-0

Matters Of Urgency

20. Yolevich & Dobson Intro. 231 08-0232 Appointment To Monroe Community College Board Of Trustees Matter Of Urgency

- Intro. 232
M. 46
11-15 F
Bronson/Eckel
Motion to Commit to Committee File No. 08-0232
(Legislators Bronson, Andrews, Beebe, Eckel, Gamble, Gumina, Haney, Kaleh, Lee, Lightfoot and O'Brien voted in the positive)
- Intro. 233
M. 47
11-15 F
Bronson/Gumina
Motion to Postpone File No. 08-0232
(Legislators Bronson, Andrews, Beebe, Eckel, Gamble, Gumina, Haney, Kaleh, Lee, Lightfoot and O'Brien voted in the positive)
- Intro. 231
Res. 176
15-11
Main Motion
(Legislators Bronson, Andrews, Beebe, Eckel, Gamble, Gumina, Haney, Kaleh, Lee, Lightfoot and O'Brien voted in the negative)
21. Yolevich & Dobson
Intro. 234
Res. 177
25-1
08-0233
Appointment To County Of Monroe Industrial Development Agency
Matter Of Urgency
(Legislator Lightfoot voted in the negative)
22. Valerio & LaFountain
Intro. 235
08-0234
Approving Monroe Community College Operating Budget For Fiscal Year 2008-2009
Matter Of Urgency
(For Introductory Purposes Only)
23. Valerio & LaFountain
Intro. 236
M. 48
26-0
08-0234
Providing That Resolution (Intro. No. 235 Of 2008), Entitled "Approving Monroe Community College Operating Budget For Fiscal Year 2008-2009," Be Tabled
24. Valerio & LaFountain
Intro. 237
Res. 178
26-0
08-0234
Fixing Public Hearing On Resolution (Intro. No. 235 Of 2008), Entitled "Approving Monroe Community College Operating Budget For Fiscal Year 2008-2009"
(Public Hearing is Scheduled before a Joint Meeting of the Recreation and Education and Ways and Means Committees on July 23, 2008 at 6:00 P.M.)

UNFINISHED BUSINESS

NONE

Upon Motion by Legislator E. Daniel Quatro, the Legislature adjourned at 8:09 P.M. until Tuesday, August 12, 2008 at 6:00 p.m.

DAVID M. BARRY, JR.
Clerk of the Legislature