

EIGHTH DAY

DRAFT

TUESDAY, July 10, 2007

Legislature met pursuant to adjournment.

President Wayne E. Zyra in the Chair.

ROLL CALL

Present — Legislators Adair, Aldersley, 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 — 29

Meeting formally opened. President Zyra had a Moment of Silence for the Fairport High School Cheerleaders tragedy. At the invitation of Legislator Ciaran T. Hanna, Father Peter Clifford of Saint John of Rochester Church delivered the invocation. The Pledge of Allegiance to the Flag was led by Legislator R. Anthony LaFountain.

APPROVAL OF MINUTES

Without objection, the journal of the sessions of Day 7, June 12, 2007 was approved as submitted.

PETITIONS AND COMMUNICATIONS

PROCLAMATIONS

By the President of the Legislature — WAYNE E. ZYRA

Proclaimed Jointly with County Executive Maggie Brooks and Legislators Bill Smith and Carla M. Palumbo "Americans with Disabilities Act" on its seventeenth anniversary for its continuing effort to encourage all citizens of Rochester and Monroe County to come together and support the goals of Americans with disabilities.

Read and Filed.

Recognized "Bruce Shapiro – Monroe Community College Athletic Program" for earning its second straight Pepsi Cup for most outstanding junior college athletic program in the nation.

Read and Filed.

Recognized "Monroe Community College Software Team" for winning its second straight NJCAA Division I national championship.

Read and Filed.

Recognized Jointly with Legislators Ciaran T. Hanna and Michael G. Barker "Casa Larga Vineyards" for their many recent recognitions, as well as for being an asset to our community.

Read and Filed.

Recognized Jointly with Legislators Mark J. Cassetti and Jeffery L. McCann "Corey Robinson" for his outstanding athletic achievements.

Read and Filed.

Recognized Jointly with Legislators Stephanie Polowe Aldersley, Edward M. O'Brien and C. Stephen Eckel "Green Living Technologies, LLC" for their dedication, initiative and success in helping business and industry contribute to a sustainable future.

Read and Filed.

RECESS

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

"Adopting 2008-2013 Capital Improvement Program". No speakers addressed the Legislature and the hearing concluded at 6:26 P.M.

"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". No speakers addressed the Legislature and the hearing concluded at 6:27 P.M.

RECONVENING LEGISLATURE

President Zyra reconvened the recessed meeting of July 10, 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. Four speakers addressed the Legislature on various subjects and the Open Forum concluded at 6:40 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 10, 2007 and proceeded under the Usual Order of Business.

MOTIONS, RESOLUTIONS AND NOTICES

1. O'Brien & Eckel 07-0161 Providing That File No. 07-0161 Entitled "Recruitment and Retention Grant For The Monroe County District Attorney's Office" Be Discharged From The Public Safety and Ways and Means Committees.
Intro. 259
M. 78
12-17 F
(Legislators Palumbo, Aldersley, Andrews, Bronson, Cruz, Eckel, Gamble, Haney, Heider, Lee, Lightfoot and O'Brien voted in the positive)

2. LaFountain & Driscoll 07-0165 Providing That Resolution (Intro. No. 221 Of 2007), "Adopting 2008-2013 Capital Improvement Program," Be Lifted From The Table
Barker,
Valerio,
Cassetti,
Dobson,
Malta &
Tucciarello
Intro. 260
M. 79
29-0

3. LaFountain & Driscoll 07-0165 Providing That Resolution (Intro. No. 221 Of 2007), Entitled "Adopting 2008-2013 Capital Improvement Program," Be Adopted
Barker,
Valerio,
Cassetti,
Dobson,
Malta &
Tucciarello
Intro. 261
M. 80

Intro. 262
M. 81
Andrews/Bronson
A Motion to Amend Intro. No. 221 of 2007 to read as follows:

"Be amended to expedite six county park improvement projects and one public safety project and delay the County Office Building Reconstruction Project, as outlined in the attached table."

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

- Intro. 263
M. 82
17-12
Smith/Quatro
A Motion to Table Intro. No. 262 of 2007
(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 regarding the Motion to Table Intro. No. 262 of 2007 . President Zyra denied her 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. 264
M. 83
11-17-1
Haney/Palumbo
A Motion to Strike the Construction of the East Side Water Treatment Plant Allocation from the 2008-2013 Capital Improvement Program.
(Legislators Palumbo, Aldersley, Andrews, Bronson, Cruz, Eckel, Gamble, Haney, Heider, Lee and Lightfoot voted in the positive)
(Legislator O'Brien abstained from voting with permission from President Zyra)

Intro. 261
M. 80
29-0

Be Adopted

Intro. 221
Res. 261
29-0

Main Motion

4. Cassetti & LaFountain
Intro. 265
M. 84
29-0

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 Lifted From The Table

5. Cassetti & LaFountain
Intro. 266
M. 85
29-0

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 Adopted
Environment and Public Works Committee; May 23, 2007 – CV: 8-0
Ways and Means Committee; May 23, 2007 – CV: 10-0

Intro. 234
Res. 262
29-0

Main Motion

6. Barker & DiRaddo
Intro. 267

07-0202 Enhancing Community Awareness And Education Regarding Sex Offenders
Public Safety Committee; June 25, 2007 – CV: 7-0

Intro. 268
M. 86

O'Brien/Eckel

A Motion to Amend Intro. No. 267 of 2007 by adding the following language to paragraph five:

"Therefore, we propose this Honorable Body establish a Sex Offender Neighborhood Notification Commission including, but not limited to, the following partners:

- representatives of village, town, and City of Rochester law enforcement agencies;
- neighborhood organizations, both city and suburban;
- representatives from the Council of Governments;
- and members from the majority and the minority caucuses of the County Legislature."

Intro. 269
M. 87
17-12

Smith/Quatro

A Motion to Table Intro. No. 268 of 2007

(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 regarding the Motion to Table Intro. No. 268 of 2007. President Zyra denied her 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, Bronson, Cassetti, Colby, DiRaddo, Dobson, Driscoll, Hanna, LaFountain Malta, McCann, Quatro, Tucciarello, Valerio, Yolevich and Zyra - 18

Legislators Palumbo, Aldersley, Andrews, Cruz, Eckel, Gamble, Haney, Heider, Lee, Lightfoot and O'Brien - 11

Intro. 267
Res. 263
29-0

Main Motion

7. Barker & LaFountain
Intro. 270
Res. 264
29-0
07-0209 Accepting Aid To Localities Grant From New York State Division Of Criminal Justice Services For Offices Of Public Defender And District Attorney
Public Safety Committee; June 25, 2007 – CV: 7-0
Ways and Means Committee; June 27, 2007 – CV: 9-0
8. Barker & LaFountain
Intro. 271
Res. 265
29-0
07-0210 Accepting Grant From New York State Division Of Criminal Justice Services For Services For Firearm Lab Capacity Enhancement Initiative
Public Safety Committee; June 25, 2007 – CV: 7-0
Ways and Means Committee; June 27, 2007 – CV: 9-0
9. Barker & LaFountain
Intro. 272
Res. 266
29-0
07-0211 Authorizing Contract With Paul Schwartzman, M.S., D.A.P.A. For The Provision Of Mental Health Services To Juvenile Fire Setters, Training Of Providers And Development Of Education Materials For Juvenile Fire Intervention Program
Public Safety Committee; June 25, 2007 – CV: 7-0
Ways and Means Committee; June 27, 2007 – CV: 9-0
10. Valerio & LaFountain
Intro. 273
Res. 267
29-0
07-0212 Accepting Grant From New York State Office Of Parks, Recreation And Historic Preservation For Monroe County's Off-Leash Dog Areas And The Movies In The Parks Program
Recreation and Education Committee; June 26, 2007 – CV: 5-0
Ways and Means Committee; June 27, 2007 – CV: 9-0
11. Valerio & LaFountain
Intro. 274
Res. 268
29-0
07-0213 Authorizing Contract With Operation Patriot Foundation, Inc. For A Ticketed Event In Ontario Beach Park
Recreation and Education Committee; June 26, 2007 – CV: 5-0
Ways and Means Committee; June 27, 2007 – CV: 9-0
12. Malta, Tucciarello & LaFountain
Intro. 275
Res. 269
29-0
07-0214 Authorizing Intermunicipal Agreement With Town Of Brighton For Installation Of Traffic Signal Located At South Clinton Avenue And Senator Keating Boulevard
Intergovernmental Relations Committee; June 26, 2007 – CV: 5-0
Transportation Committee; June 27, 2007 – CV: 8-0
Ways and Means Committee; June 27, 2007 – CV: 9-0
13. Malta, Dobson & LaFountain
Intro. 276
Res. 270
29-0
07-0215 Authorizing Intermunicipal Agreement With City Of Rochester To Provide Water Quality Monitoring For Beach At Durand Eastman Park
Intergovernmental Relations Committee; June 26, 2007 – CV: 5-0
Human Services Committee; June 26, 2007 – CV: 8-0
Ways and Means Committee; June 27, 2007 – CV: 9-0
14. Dobson & LaFountain
Intro. 277
Res. 271
29-0
07-0216 Accepting Grant From New York State Department Of Health For HIV Client Services – Emerging Communities Program
Human Services Committee; June 26, 2007 – CV: 8-0
Ways and Means Committee; June 27, 2007 – CV: 9-0
15. Dobson & LaFountain
Intro. 278
Res. 272
25-4
07-0217 Accepting Grant From New York State Office Of Temporary And Disability Assistance For Enhanced Engagement Investment
Human Services Committee; June 26, 2007 – CV: 8-0
Ways and Means Committee; June 27, 2007 – CV: 9-0
(Legislators Adair, Hanna, LaFountain and Quatro voted in the negative)
16. Cassetti & LaFountain
Intro. 279
07-0218 Authorizing Energy Conservation Improvements At Monroe Community Hospital
Environment and Public Works Committee; June 27, 2007 – CV: 5-2
Ways and Means Committee; June 27, 2007 – CV: 6-3

- Intro. 280
M. 88
12-17F
Haney/Lightfoot
A Motion to Commit Referral 07-0218 back to Committee.
(Legislators Palumbo, Aldersley, Andrews, Bronson, Cruz, Eckel, Gamble, Haney, Heider, Lee, Lightfoot and O'Brien voted in the positive)
- Intro. 279
Res. 273
17-12
Main Motion
(Legislators Palumbo, Aldersley, Andrews, Bronson, Cruz, Eckel, Gamble, Haney, Heider, Lee, Lightfoot and O'Brien voted in the negative)
17. Cassetti & LaFountain
Intro. 281
Res. 274
29-0
07-0219
Authorizing Contract With MRB Group, P.C. For Professional Engineering Services For Rochester Pure Waters District's Clinton & Keeler Pump Station Improvements Project Environment and Public Works Committee; June 27, 2007 – CV: 7-0
Ways and Means Committee; June 27, 2007 – CV: 9-0
18. Cassetti & LaFountain
Intro. 282
Res. 275
29-0
07-0221
Authorizing Contracts With Manning Squires Hennig Company, Inc., Landry Mechanical Contractors, Inc., And O'Connell Electric Company For Construction And Clough Harbour & Associates, LLP For Construction Support Services For Terminal Improvements – Phase II Project At Greater Rochester International Airport Environment and Public Works Committee; June 27, 2007 – CV: 7-0
Ways and Means Committee; June 27, 2007 – CV: 9-0
19. Tucciarello & Adair
Intro. 283
Res. 276
29-0
07-0222
Authorizing Use Of County Roads As Detour During NY Route 153 (Washington Street) Reconstruction Project By New York State Department Of Transportation Transportation Committee; June 27, 2007 – CV: 8-0
20. Tucciarello & LaFountain
Intro. 284
Res. 277
29-0
07-0223
Authorizing Contracts With New York State Department Of Transportation For Utility Work Agreement And Maintenance, Repair And Energizing Of Expressway Lighting Agreement For I-490 Rehabilitation And Reconstruction, Erie Canal To Genesee River, Contract 4, City Of Rochester, Monroe County Transportation Committee; June 27, 2007 – CV: 8-0
Ways and Means Committee; June 27, 2007 – CV: 9-0
21. Tucciarello & LaFountain
Intro. 285
Res. 278
29-0
07-0224
Authorizing Contract With DiFiore Construction, Inc. For Construction For Construction Services For Atlantic Avenue/Jackson Road Intersection Project In Town Of Penfield Transportation Committee; June 27, 2007 – CV: 8-0
Ways and Means Committee; June 27, 2007 – CV: 9-0
22. Tucciarello & LaFountain
Intro. 286
Res. 279
29-0
07-0224 br.
Resolution Authorizing The Issuance Of \$ 1,595,000 Bonds Of The County Of Monroe, New York, To Finance The Cost Of The Reconstruction Of The Atlantic Avenue/Jackson Road Intersection In And For Said County, And Superseding The Bond Resolution Adopted July 12, 2005 (Resolution No. 258 Of 2005) Transportation Committee; June 27, 2007 – CV: 8-0
Ways and Means Committee; June 27, 2007 – CV: 9-0
23. Tucciarello & LaFountain
Intro. 287
Res. 280
29-0
07-0225
Accepting Additional Funding From New York State Department Of Transportation For State Supported Consolidated Local Street And Highway Improvement Program, Accepting Multi-modal Funding From New York State Department Of Transportation, Amending The 2007 Operating Budget Of The Department Of Transportation Transportation Committee; June 27, 2007 – CV: 8-0
Ways and Means Committee; June 27, 2007 – CV: 9-0
24. Tucciarello & LaFountain
Intro. 288
Res. 281
29-0
07-0226
Authorizing Contract For Engineering Services With LaBella Associates, P.C.; Authorizing Contract With New York State Department Of Transportation For Replacement Of Stottle Road Bridge Over Black Creek Project In Town Of Chili Transportation Committee; June 27, 2007 – CV: 8-0
Ways and Means Committee; June 27, 2007 – CV: 9-0

25. Tucciarello & LaFountain 07-0227
Intro. 289
Res. 282
29-0
Authorizing Contract For Engineering Services With Passero Associates, P.C. For Replacement Of Carter Road Culvert Over Thomas Creek Tributary Project In Town Of Perinton
Transportation Committee; June 27, 2007 – CV: 8-0
Ways and Means Committee; June 27, 2007 – CV: 9-0
26. LaFountain & McCann 07-0228
Intro. 290
Res. 283
29-0
Accepting Grant From New York State Office Of Real Property Services For Real Property Tax Administration Technology Improvement Program
Ways and Means Committee; June 27, 2007 – CV: 9-0
27. LaFountain & McCann 07-0229
Intro. 291
Res. 284
29-0
Accepting Grant From Rochester And Genesee Valley Workforce Development Center, Inc. For Driver Improvement Training
Ways and Means Committee; June 27, 2007 – CV: 9-0
28. LaFountain & McCann 07-0230
Intro. 292
Res. 285
29-0
Directing The Refund Of Certain Monroe County Taxes Levied And Collected Against Property In Town Of Gates
Ways and Means Committee; June 27, 2007 – CV: 9-0
29. DiRaddo & Valerio 07-0231
Intro. 293
Res. 286
29-0
Appointment To Monroe Community College Board Of Trustees
30. Cassetti & LaFountain 07-0236
Intro. 294
Res. 287
29-0
Amending The 2007-2012 Capital Improvement Program To Add A Capital Project Entitled "Monroe Community College Building 9 Expansion And Renovation Project;" Accepting A Grant From The MCC Foundation Inc.; Accepting An Incentive Award From The New York State Energy Research And Development Authority; And Authorizing Contracts With LeChase Construction Services, LLC, East Coast Electric, LLC, Crosby-Brownlie, Inc., And Thurston Brothers, Inc. For Construction Of The Monroe Community College Building 9 Expansion And Renovation Project
Environment and Public Works Committee; June 27, 2007 – CV: 7-0
Ways and Means Committee; June 27, 2007 – CV: 9-0
31. Cassetti & LaFountain 07-0236 br.
Intro. 295
Res. 288
29-0
Resolution Authorizing The Issuance Of \$14,000,000 Bonds Of The County Of Monroe, New York, To Finance The Cost of the Expansion And Renovation Of Monroe Community College Building 9, In And For Said County, At An Estimated Maximum Cost Of \$14,000,000
Environment and Public Works Committee; June 27, 2007 – CV: 7-0
Ways and Means Committee; June 27, 2007 – CV: 9-0
32. Cassetti & LaFountain 07-0237
Intro. 296
Res. 289
29-0
Authorizing Contracts With Christa Construction, LLC, John W. Danforth Company, East Coast Electric, LLC, and Thurston Brothers, Inc. For Construction Of The Athletic Field House At Monroe Community College Project
Environment and Public Works Committee; June 27, 2007 – CV: 7-0
Ways and Means Committee; June 27, 2007 – CV: 9-0

Matter Of Urgency

33. Valerio & LaFountain 07-0270
Intro. 297
Approval Of Monroe Community College's 2007-2008 Operating Budget
Matter Of Urgency
(For Introductory Purposes Only)

34. Valerio & LaFountain
Intro. 298
M. 89
29-0 07-0270 Providing That Resolution (Intro. No. 297 Of 2007), Entitled "Approving Monroe Community College's 2007-2008 Operating Budget" Be Tabled
35. Valerio & LaFountain
Intro. 299
Res. 290
29-0 07-0270 Fixing Public Hearing On Resolution (Intro. No. 297 Of 2007), Entitled "Approving Monroe Community College's 2007-2008 Operating Budget"
(Public Hearing is Scheduled before a Joint Meeting of the Recreation and Education and Ways and Means Committees on August 1, 2007 at 6:00 P.M.)

UNFINISHED BUSINESS

NONE

Upon Motion by Legislator Smith, the Legislature adjourned at 8:08 P.M. until Tuesday, August 14, 2007 at 6:00 P.M.

DAVID M. BARRY, JR.
Clerk of the Legislature