

NINTH DAY

DRAFT

TUESDAY, AUGUST 8, 2006

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. At the invitation of Legislator Edward M. O'Brien, Pastor Thomas A. LeBeau, Seneca United Methodist Church, delivered the invocation. The Pledge of Allegiance to the Flag was led by Legislator Carrie M. Andrews.

MOTIONS, RESOLUTIONS AND NOTICES

APPROVAL OF MINUTES

Without objection, the journal of the session of Day 8, July 11, 2006 was approved as submitted.

PETITIONS AND COMMUNICATIONS

PROCLAMATIONS

By the President of the Legislature — WAYNE E. ZYRA

Proclaimed Jointly with Legislators Mary A. Valerio and Stephen Tucciarello "The Chili Volunteer Fire Department" for 75 years of outstanding service to the Chili Community.

Read and Filed.

Recognized Jointly with Legislators Michael G. Barker and Paul E. Haney "Robby Villa" for being named "Firefighter of the Year" by the New York State Professional Firefighters Association.

Read and Filed.

Recognized Jointly with Legislators Stephanie Polowe Aldersley, Raymond S. DiRaddo, Douglas B. Dobson, Edward M. O'Brien and C. Stephen Eckel "U.S. Coast Guard Rochester Station" for going above and beyond the call of duty.

Read and Filed.

RECESS

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

A Local Law 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 And 3 Of 2006 To Revise Empire Zone Boundary." No speakers addressed the Legislature and the hearing concluded at 6:18 P.M.

A Local Law Entitled "Authorizing The Sale By Contract Of One Parcel Of County Owned Land At The Iola Campus." No speakers addressed the Legislature and the hearing concluded at 6:20 P.M.

RECONVENING LEGISLATURE

President Zyra reconvened the recessed meeting of August 8, 2006 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. Nine 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 August 8, 2006 and proceeded under the Usual Order of Business.

LOCAL LAWS

- | | | | |
|----|---|---------|--|
| 1. | Driscoll &
Barker
Intro. 285
M. 50
29-0 | 06-0221 | Providing That Local Law (Intro. No. 234 Of 2006), Entitled "Amending Local Law Of 2001, As Amended By Local Law Nos. 6 and 8 Of 2002, Local Laws 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 And 3 Of 2006 To Revise Empire Zone Boundary," Be Lifted From The Table |
| 2. | Driscoll &
Barker
Intro. 286
M. 51
29-0 | 06-0221 | Providing That Local Law (Intro. No. 234 Of 2006), Entitled "Amending Local Law Of 2001, As Amended By Local Law Nos. 6 8 Of 2002, Local Laws Nos. 3, 8 And 4 Of 2003, Local Law Nos. 2 And 3 Of 2004, Local Law Nos. 6 And 7 Of 2005 And Local Law Nos. 2 And 3 Of 2006 To Revise Empire Zone Boundary," Be Adopted
Planning and Economic Development Committee; June 26, 2006 - CV: 4-0 |

Intro. 234
Local Law No. TBA
29-0

Main Motion

3. LaFountain & McCann
Intro. 287
M. 52
29-0 06-0281 Providing That Local Law (Intro. No. 282 Of 2006) Entitled
"Authorizing Sale By Negotiated Contract Of One Parcel Of County
Owned Land At Iola Campus" Be Lifted From The Table

4. LaFountain & McCann
Intro. 288
M. 53 06-0281 Providing That Local Law (Intro. No. 282 Of 2006) Entitled
"Authorizing Sale By Negotiated Contract Of One Parcel Of County
Owned Land At The Iola Campus" Be Adopted

Intro. 282
Local Law No. TBA
29-0

Main Motion

5. Smith & LaFountain
Intro. 289 06-0257 A Local Law Entitled "Amending Monroe County Administrative
Code And Charter Relating To The Annual Budget Process"
Agenda/Charter Committee; August 2, 2006 - CV: 3-2
Ways and Means Committee; August 2, 2006 - CV: 5-3
(For Introductory Purposes Only)

6. Smith & LaFountain
Intro. 290
M. 54
29-0 06-0257 Providing That Local Law (Intro. No. 289 Of 2006), Entitled
"Amending Monroe County Administrative Code And Charter Relating
To The Annual Budget Process" Be Tabled

7. Smith & LaFountain
Intro. 291
Res. 221
29-0 06-0257 Fixing A Public Hearing On Local Law (Intro. No. 289 Of 2006), A
Local Law Entitled, "Amending Monroe County Administrative Code
And Charter Relating To The Annual Budget Process"
(Public Hearing is Scheduled for September 12, 2006 at 6:15 P.M.)

MOTIONS, RESOLUTIONS AND NOTICES

8. Intro. 292
M. 55
17-12 Zyra/Smith
Motion to Reconsider File No. 06-0236 br. (Intro. No. 258 of
2006)
*(Legislators Palumbo, Aldersley, Andrews, Bronson, Cruz, Eedel, Gamble,
Haney, Heider, Lee, Lightfoot and O'Brien voted in the negative)*

RECESS

President Zyra granted a recess at 6:47 P.M. which concluded at 7:05 P.M.

RECONVENING LEGISLATURE

President Zyra reconvened the recessed meeting of August 8, 2006 and proceeded under the Usual Order of Business.

9. Zyra & Smith
Intro. 258
17-12 F
- 06-0236 br. Resolution Authorizing The Issuance Of \$350,000 Bonds Of The County Of Monroe, New York, To Finance The Cost Of The Demolition Of 1185 And 1191 Scottsville Road At The Greater Rochester International Airport In And For Said County, At An Estimated Maximum Cost Of \$350,000
Environment and Public Works Committee; June 28, 2006 - CV: 8-0
Ways and Means Committee; June 28, 2006 - CV: 9-0
(Legislators Palumbo, Aldersley, Andrews, Brorson, Cruz, Ecker, Gamble, Haney, Heider, Lee, Lightfoot and O'Brien voted in the negative)
10. Intro. 293
M. 56
17-12
- Zyra/Smith
Motion to Reconsider File No. 06-0244 br. (Intro. No. 269 of 2006)
(Legislators Palumbo, Aldersley, Andrews, Brorson, Cruz, Ecker, Gamble, Haney, Heider, Lee, Lightfoot and O'Brien voted in the negative)
11. Zyra & Smith
Intro. 269
17-12 F
- 06-0244 br. Resolution Authorizing The Issuance Of \$5,710,000 Bonds Of The County Of Monroe, New York, To Finance The Cost Of The Construction And Improvement Of Kreg Road Between NY Route 26 And Ayrault Road, In And For Said County, And Superseding The Bond Resolution Adopted On June 10, 2003 (Resolution No. 173 Of 2003)
Transportation Committee; June 28, 2006 - CV: 7-0
Ways and Means Committee; June 28, 2006 - CV: 9-0
(Legislators Palumbo, Aldersley, Andrews, Brorson, Cruz, Ecker, Gamble, Haney, Heider, Lee, Lightfoot and O'Brien voted in the negative)
12. Colby & Valerio
Intro. 294
- Intro. 295
M. 57
29-0
- 06-0255 Legislative Appointments To Fishery Advisory Board, Soil and Water Conservation Board and Environmental Management Council
Aldersley/Palumbo
Motion to Amend Intro. No. 294 to change the language in Sections 1 and 2 to read as follows:

Section 1. In accordance with Monroe County Resolution No. 369 of 1995, the appointment made by Wayne E. Zyra, President of the Monroe County Legislature, of Carrie M. Andrews as a Legislative representative to the Fishery Advisory Board, is hereby confirmed.

Section 2. In accordance with Article 2 of the Soil Conservation Districts Law of the State of New York, the appointment made by Wayne E. Zyra, President of the Monroe County Legislature, of Stephanie Polowe Aldersley, as the Legislature representative, to the Monroe County Soil and Water Conservation Board, is hereby confirmed.

Intro. 294
Res. 222
As Amended by M. 57
29-0

Main Motion

13. Colby & Valerio
Intro. 296
Res. 223
29-0
- 06-0256 Appointments To Rochester-Genesee Regional Transportation Authority
14. Yolevich, Barker & Driscoll
Intro. 297
- 06-0260 Authorizing Additions To Monroe County Agricultural Districts Planning and Economic Development Committee; July 31, 2006 - CV: 5-0 *(For Introductory Purposes Only)*
15. Yolevich, Barker & Driscoll
Intro. 298
M. 58
29-0
- 06-0260 Providing That Resolution (Intro. No. 297 Of 2006, Entitled, Authorizing Additions To Monroe County Agricultural Districts," Be I Tabled
16. Yolevich, Barker & Driscoll
Intro. 299
Res. 224
29-0
- 06-0260 Fixing A Public Hearing On Resolution (Intro. No. 297 Of 2006), Entitled, "Authorizing Additions To Monroe County Agricultural Districts"
(Public Hearing is Scheduled before the Planning and Economic Development Committee on August 21, 2006 at 4:00 P.M., Legislative Chambers, Room 408, County Office Building, Rochester, New York)
17. Barker & LaFountain
Intro. 300
Res. 225
29-0
- 06-0261 Accepting Grant From New York State Division Of Criminal Justice Services For Aid To Prosecution Appeals Program
Public Safety Committee; July 31, 2006 - CV: 7-0
Ways and Means Committee; August 2, 2006 - CV: 8-0
18. Barker & LaFountain
Intro. 301
Res. 226
29-0
- 06-0262 Accepting Grant From New York State Division Of Criminal Justice Services For Aid To Localities Program For Public Defender And District Attorney's Offices And Public Safety Laboratory
Public Safety Committee; July 31, 2006 - CV: 7-0
Ways and Means Committee; August 2, 2006 - CV: 8-0
19. Dobson & LaFountain
Intro. 302
Res. 227
29-0
- 06-0263 Accepting Grant From New York State Office For The Aging For Long Term Care Insurance Education And Outreach Program;
Authorizing Contract With Lifespan, Inc.
Human Services Committee; August 1, 2006 - CV: 8-0
Ways and Means Committee; August 2, 2006 - CV: 8-0
20. Dobson & LaFountain
Intro. 303
Res. 228
29-0
- 06-0264 Accepting Grant From Rochester And Genesee Valley Workforce Development Center, Inc.; Authorizing Contract With AAA Of Western And Central New York For Driver Improvement Training
Human Services Committee; August 1, 2006 - CV: 8-0
Ways and Means Committee; August 2, 2006 - CV: 8-0
21. Dobson & LaFountain
Intro. 304
Res. 229
29-0
- 06-0265 Authorizing Contract With University of Rochester, Strong Memorial Hospital, Occupational And Environmental Medicine For Medical Occupational Examinations And Consultations For Monroe County Employees And Monroe County HAZMAT Team
Human Services Committee; August 1, 2006 - CV: 8-0
Ways and Means Committee; August 2, 2006 - CV: 8-0

22. Dobson & LaFountain
Intro. 305
Res. 230
29-0
06-0266 Amending Resolution 451 Of 2005, As Amended By Resolution 44 Of 2006, As Amended By Resolution 160 Of 2006, To Accept Additional Funding From New York State Office Of Temporary And Disability Assistance For 2005-2006 Home Energy Assistance Program
Human Services Committee; August 1, 2006 - CV: 8-0
Ways and Means Committee; August 2, 2006 - CV: 8-0
23. Dobson & LaFountain
Intro. 306
Res. 231
29-0
06-0267 Accepting Grant From New York State Department Of Health For Sexually Transmitted Disease In Jails Program
Human Services Committee; August 1, 2006 - CV: 8-0
Ways and Means Committee; August 2, 2006 - CV: 8-0
24. Dobson & LaFountain
Intro. 307
Res. 232
29-0
06-0268 Accepting Grant From New York State Department Of Health For HIV Client Services - Emerging Communities Program
Human Services Committee; August 1, 2006 - CV: 8-0
Ways and Means Committee; August 2, 2006 - CV: 8-0
25. Dobson & LaFountain
Intro. 308
Res. 233
29-0
06-0269 Accepting Grant From New York State Department Of Health For Public Health Campaign Program
Human Services Committee; August 1, 2006 - CV: 8-0
Ways and Means Committee; August 2, 2006 - CV: 8-0
26. Cassetti & LaFountain
Intro. 309
Res. 234
29-0
06-0270 Authorizing Contracts With Erdman, Anthony And Associates, Inc., Fisher Associates, P.E., L.S., P.C, And Popli Consulting Engineers And Surveyors For General Surveying And Computer-Aided Design Services
Environment and Public Works Committee; August 2, 2006 - CV: 6-0
Ways and Means Committee; August 2, 2006 - CV: 8-0
27. Cassetti & LaFountain
Intro. 310
Res. 235
29-0
06-0271 Amending The 2006-2011 Capital Improvement Program To Add A Capital Project Entitled, "Frontier Field Improvements;" And Acceptance Of A Grant From The Dormitory Authority State Of New York For The Frontier Field Improvements Project
Environment and Public Works Committee; August 2, 2006 - CV: 6-0
Ways and Means Committee; August 2, 2006 - CV: 6-2
28. Cassetti & LaFountain
Intro. 311
Intro. 312
M. 59
12-17 F
Intro. 313
M. 60
12-17 F
06-0271 br. Resolution Authorizing The Issuance Of \$1,600,000 Bonds Of The County Of Monroe, New York, To Finance The Cost Of The Improvement Of Frontier Field And Related Facilities In And For Said County At An Estimated Maximum Cost Of \$1,600,000
Environment and Public Works Committee; August 2, 2006 - CV: 6-0
Ways and Means Committee; August 2, 2006 - CV: 6-2
O'Brien/Palumbo
Motion to Move Item to End of the Agenda
(Legislators Palumbo, Aldersley, Andrews, Bronson, Cruz, Edeel, Gamble, Hane, Heider, Lee, Lightfoot and O'Brien voted in the positive)
Bronson/Lightfoot
Motion to Table Intro. No. 311
(Legislators Palumbo, Aldersley, Andrews, Bronson, Cruz, Edeel, Gamble, Hane, Heider, Lee, Lightfoot and O'Brien voted in the positive)

RECESS

President Zyra granted a recess at 7:58 P.M. which concluded at 8:45 P.M.

RECONVENING LEGISLATURE

President Zyra reconvened the recessed meeting of August 8, 2006 and proceeded under the Usual Order of Business.

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| Intro. 314
M. 61 | | Lightfoot/Palumbo
Motion to Call the Previous Question to close debate on File No. 06-0271br. |
| Intro. 311
16-13F | | Main Motion
<i>(Legislators Palumbo, Aldersley, Andrews, Bronson, Cruz, Eddel, Gamble, Haney, Heider, Lee, Lightfoot, O'Brien and Zyra voted in the negative)</i> |
| 29. Tucciarello &
LaFountain
Intro. 315
Res. 236
21-8 | 06-0272 | Accepting Additional Aid From The New York State Department Of Transportation And Authorizing Contract With Crane-Hogan Structural Systems, Inc. For Construction Of The Sea Breeze To Charlotte Multi-Use Trail Project (Also Known As The Irondequoit Lakeside Multi-Use Project)
Transportation Committee; August 2, 2006 - CV: 6-0
Ways and Means Committee; August 2, 2006 - CV: 8-0
<i>(Legislators Palumbo, Aldersley, Andrews, Bronson, Cruz, Gamble, Heider and Lee voted in the negative)</i> |
| 30. Tucciarello &
LaFountain
Intro. 316
18-11 F | 06-0272 br. | Resolution Authorizing The Issuance Of \$2,501,850 Bonds Of The County Of Monroe, New York, To Finance The Cost Of The Design, Construction And Improvement, Including Incidental Improvements, Of The Sea Breeze To Charlotte Multi-Use Trail (Also Known As The Irondequoit Lakeside Multi-Use Trail), In And For Said County, And Superseding The Bond Resolution Adopted On October 14, 2003 (Resolution No. 294 Of 2003)
Transportation Committee; August 2, 2006 - CV: 6-0
Ways and Means Committee; August 2, 2006 - CV: 8-0
<i>(Legislators Palumbo, Aldersley, Andrews, Bronson, Cruz, Gamble, Haney, Heider, Lee, Lightfoot and Zyra voted in the negative)</i> |
| 31. Tucciarello &
Adair
Intro. 317
Res. 237
29-0 | 06-0273 | Authorizing Use Of County Roads As A Detour Route During The West Henrietta Road (NY Rt. 15) Bridge Reconstruction By The New York State Department Of Transportation
Transportation Committee; August 2, 2006 - CV: 6-0 |
| 32. Tucciarello &
LaFountain
Intro. 318
Res. 238
29-0 | 06-0274 | Accepting Additional Funding From The New York State Department Of Transportation For The State Supported Consolidated Local Street And Highway Improvement Program And Amend The 2006 Operating Budget Of The Department Of Transportation
Transportation Committee; August 2, 2006 - CV: 6-0
Ways and Means Committee; August 2, 2006 - CV: 8-0 |
| 33. Colby,
Tucciarello &
LaFountain
Intro. 319
Res. 239
29-0 | 06-0275 | Authorizing Contract For Engineering Services With Clark Patterson Associates And Authorizing Contract With The New York State Department Of Transportation For The Lyell Avenue Project In The Village Of Spencerport, Town Of Ogden
Transportation Committee; August 2, 2006 - CV: 6-0
Ways and Means Committee; August 2, 2006 - CV: 8-0 |
| 34. Tucciarello &
LaFountain
Intro. 320 | 06-0276 | Authorizing Contract For Engineering Services With FRA Engineering, P.C. And Authorizing Contract With New York State Department Of Transportation For The East Ridge Road Project In The Town Of Irondequoit
Transportation Committee; August 2, 2006 - CV: 6-0
Ways and Means Committee; August 2, 2006 - CV: 8-0 |

- Intro. 321
M. 62
17-12
35. Tucciarello & LaFountain
Intro. 322
Res. 240
29-0
36. LaFountain & McCann
Intro. 323
Res. 241
29-0
37. Valerio & LaFountain
Intro. 324
M. 63
29-0
38. Valerio & LaFountain
Intro. 325
M. 64
- Intro. 326
M. 65
- Intro. 327
M. 66
18-11
- Intro. 278
Res. 242
29-0
39. Valerio & LaFountain
Intro. 328
Res. 243
29-0
- Quatro/Adair
Motion to Table Intro. No. 320
(Legislators Palumbo, Aldersley, Andrews, Bronson, Cruz, Edeel, Gamble, Haney, Heider, Lee, Lightfoot and O'Brien voted in the negative)
- 06-0277 Accepting Grant From The Federal Highway Administration Related To Collecting Machine Traffic Volume Counts
Transportation Committee; August 2, 2006 - CV: *6-0 (As Amended)
Ways and Means Committee; August 2, 2006 - CV: 8-0 (As Amended in Transportation)
- 06-0278 Directing Correction, Cancellation And Levy Of Certain Monroe County Taxes In City Of Rochester
Ways and Means Committee; August 2, 2006 - CV: 8-0
- 06-0279 Providing That Resolution (Intro. No. 278 Of 2006), Entitled, "Approving Monroe Community College Operating Budget For Fiscal Year 2006-2007," Be Lifted From The Table
- 06-0279 Providing That Resolution (Intro. No. 278 Of 2006), Entitled, "Approving Monroe County Community College Operating Budget For Fiscal Year 2006-2007," Be Adopted
Recreation and Education Committee; August 2, 2006 - CV: 4-0
Ways and Means Committee; August 2, 2006 - CV: 8-0
- O'Brien/Palumbo
Motion to Amend Intro. No. 325 to include a third and forth required legislative action to read as follows:
- "3. To amend the tuition and fee schedule for Monroe Community College for the fiscal year September 1, 2006 through August 31, 2007 as presented in the Monroe Community College budget for the year 2006-2007 by reducing student tuition by \$50 per full-time equivalent student to \$2,650."
- "4. To amend the Monroe Community College operating budget for the fiscal year September 1, 2006 to August 31, 2007 by decreasing student tuition and fees by \$710,750 and increasing the amount of unrestricted unallocated fund balance appropriated in the budget by \$710,750."
- Quatro/Adair
Motion to Table Intro. No. 326
(Legislators Palumbo, Aldersley, Andrews, Bronson, Cruz, Edeel, Gamble, Haney, Heider, Lee and Lightfoot voted in the negative)
- Main Motion
- 06-0283 Accepting A Gift Of Capital Improvements From The Seneca Park Zoo Society For Zoo Africa Exhibits
Recreation and Education Committee; August 2, 2006 - CV: 4-0
Ways and Means Committee; August 2, 2006 - CV: 8-0

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| 40. Barker &
LaFountain
Intro. 329
Res. 244
29-0 | 06-0284 | Authorizing Contract With Clough Harbour & Associates LLP For Professional Engineering Services For The County Wide Public Safety Antenna Project, A Component Of The Police Communications System Project
Public Safety Committee, July 31, 2006 - CV: 7-0
Ways and Means Committee; August 2, 2006 - CV: 8-0 |
| 41. LaFountain,
McCann &
Palumbo
Intro. 330
Res. 245
29-0 | 06-0304 | Establishing Rates Of Compensation; Authorizing Payment To Election Inspectors And Election Coordinators
Matter of Urgency |

UNFINISHED BUSINESS

In response to Legislator Haney's question in reference to the issuance of tobacco receivable financing bonds, Stephen W. Gleason, Director of Finance, stated that approximately \$13.7 million in proceeds had been turned over to Monroe County and were incorporated into the 2nd Quarter Key Indicator Report.

In response to Legislator Heider's inquiry about the MCLEA contract, County Attorney Daniel M. DeLaus, Jr. stated that the information would be provided to the Legislature.

Upon Motion by Legislator Smith, the Legislature adjourned at 9:20 P.M. until Tuesday, September 12, 2006 at 6:00 P.M.

DAVID M. BARRY, JR.
Clerk of the Legislature