

NINTH DAY

TUESDAY, August 14, 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 requested a Moment Of Silent Prayer. The Pledge of Allegiance to the Flag was led by Legislator Harry B. Bronson.

MOTIONS, RESOLUTIONS AND NOTICES

35.	Smith & Palumbo Intro. 300 Res. 291 29-0	07-0304	Expressing Regret Of The Monroe County Legislature On The Recent Passing Of United States Marine Corporal Reynold Armand 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.

APPROVAL OF MINUTES

Without objection, the journal of the sessions of Day 8, July 10, 2007 was approved as submitted.

PETITIONS AND COMMUNICATIONS

PROCLAMATIONS

By the President of the Legislature — WAYNE E. ZYRA

Recognized "John Wadach and the Monroe Community College Engineering Design Team" for winning the 9th Annual American Society for Engineering Education Two-Year College Division Design Competition.

Read and Filed.

Recognized Jointly with Legislator Michael G. Barker "Don Murray, Neil Cook, John Leone and Louis Lombardo" for their hard work which made the National Beach Wrestling Competition possible.

Read and Filed.

Recognized Jointly with Legislator C. Stephen Eckel "Connie Leech" for her exceptional achievements in education and for her contribution to our community.

Read and Filed.

Recognized Jointly with Legislator Willie J. Lightfoot "The Community Bicycle Rodeo" and acknowledge its tremendous positive impact in our community.

Read and Filed.

Recognized Jointly with Legislator Stephanie Polowe Aldersley "Jack Herrema" for his business achievements and wish him success in his future endeavors.

Read and Filed.

Recognized Jointly with Legislator Calvin Lee, Jr. "The Crocheting Divas" for their outstanding compassion and generosity.

Read and Filed.

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 6:46 P.M.

MOTIONS, RESOLUTIONS AND NOTICES

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- | | | | |
|----|--|---------|---|
| 1. | Valerio &
LaFountain
Intro. 301
M. 90
29-0 | 07-0270 | Providing That Resolution (Intro. No. 297 Of 2007), Entitled "Approving Monroe Community College's 2007-2008 Operating Budget" Be Lifted From The Table |
| 2. | Valerio &
LaFountain
Intro. 302
M. 91 | 07-0270 | Providing That Resolution (Intro. No. 297 Of 2007), Entitled "Approving Monroe Community College's 2007-2008 Operating Budget" Be Adopted
Recreation and Education Committee; August 1, 2007 – CV: 5-0
Ways and Means Committee; August 1, 2007 – CV: 9-0 |

Intro. 303
M. 92

O'Brien/Aldersley

A Motion to Amend Intro. No. 297, "**Approval of Monroe Community College's 2007-2008 Operating Budget**" by calling for a reduction in student tuition by \$100 per full-time equivalent student to \$2,700 for the fiscal year September 1, 2007 through August 31, 2008.

Legislator Smith raised a point of order stating that Legislator O'Brien's amendment is Out of Order because it is outside the jurisdiction of this legislative body. President Zyra concurred with Legislator Smith that the proposed amendment is out of order because it is beyond the authority of the body to do. Legislator O'Brien made a motion to Appeal the Ruling of the Chair. The following vote was taken to Sustain the Ruling of the Chair as follows:

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. 304
M. 93

Haney/O'Brien

A Motion to Amend Intro. No. 297, "**Approval of Monroe Community College's 2007-2008 Operating Budget**" by including Section 4 to read as follows:

"The Monroe County Legislature strongly recommends that the Monroe Community College Board of Trustees reduce tuition for the fiscal year September 1, 2007 through August 31, 2008 by \$100 per full-time equivalent student."

Legislator Smith raised a Point of Order stating that the subject matter of the proposed amendment should be considered as a Memorializing Resolution and therefore, is out of order. President Zyra concurred with Legislator Smith's point of order on this matter.

Intro. 305
M. 94
12-17 F

Palumbo

Motion to Call the Previous Question On Intro. No. 304

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

Intro. 302
M. 91
29-0

Be Adopted

Intro. 297
Res. 292
29-0

Main Motion

3. Driscoll & Barker
Intro. 306
Res. 293
29-0

07-0238

Designating The Greater Rochester Visitors Association, Inc. As Official County Tourist Promotion Agency For 2007

Planning and Economic Development Committee; July 30, 2007 – CV: 4-0

4. DiRaddo & Valerio
Intro. 307
Res. 294
29-0

07-0239

Appointment to 911 Operating Practices Board

5. Driscoll & LaFountain
Intro. 308
Res. 295
29-0

07-0245

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; July 30, 2007 – CV: 4-0
Ways and Means Committee; August 1, 2007 – CV: 9-0

6. Driscoll & LaFountain
Intro. 309

07-0246

Authorizing Additions To Monroe County Agricultural Districts

Planning and Economic Development Committee; July 30, 2007 – CV: 4-0
Ways and Means Committee; August 1, 2007 – CV: 9-0

(For Introductory Purposes Only)

7. Driscoll & LaFountain Intro. 310 M. 95 29-0 07-0246 Providing That Resolution (Intro. No. 309 Of 2007) Entitled, "Authorizing Additions To Monroe County Agricultural Districts," Be Tabled
8. Driscoll & LaFountain Intro. 311 Res. 296 29-0 07-0246 Fixing A Public Hearing By The Planning And Economic Development Committee Of The Monroe County Legislature On Resolution (Intro. No. 309 Of 2007), Entitled "Authorizing Additions To The Monroe County Agricultural Districts". *(Public Hearing is Scheduled for Monday, August 27, 2007 at 4:00 p.m. in the Legislative Chambers before the Planning and Economic Development Committee)*
9. Barker & LaFountain Intro. 312 Res. 297 29-0 07-0247 Accepting Grant From New York State Department Of State For Shared Municipal Service Incentive Grant Program Public Safety Committee; July 30, 2007 – CV: 8-0 Ways and Means Committee; August 1, 2007 – CV: 9-0
10. Barker & LaFountain Intro. 313 Res. 298 29-0 07-0248 Accepting Grant From Pacific Institute For Research And Evaluation For Monroe County STOP DWI Responsible Beverage Service Program Public Safety Committee; July 30, 2007 – CV: 8-0 Ways and Means Committee; August 1, 2007 – CV: 9-0
11. Barker & LaFountain Intro. 314 Res. 299 29-0 07-0249 Authorizing Contract With New York State Defenders Association To Provide Continued Maintenance And Software Support For Public Defense Case Management System Public Safety Committee; July 30, 2007 – CV: 8-0 Ways and Means Committee; August 1, 2007 – CV: 9-0
12. DiRaddo & Valerio Intro. 315 Res. 300 29-0 07-0250 Reappointment To Monroe County Board Of Health Agenda/Charter Committee; July 30, 2007 – CV: 5-0
13. Malta, Barker & LaFountain Intro. 316 Res. 301 29-0 07-0251 Authorizing Intermunicipal Agreement With Fairport Central School District For Purchase Of Fuel For Vehicles Of Monroe County Sheriff's Office Intergovernmental Relations Committee; July 31, 2007 – CV: 4-0 Public Safety Committee; July 30, 2007 – CV: 8-0 Ways and Means Committee; August 1, 2007 – CV: 9-0
14. Dobson & LaFountain Intro. 317 Res. 302 29-0 07-0252 Accepting Grant From New York State Department Of Health For HIV Seroprevalence Program Human Services Committee; July 31, 2007 – CV: 8-0 Ways and Means Committee; August 1, 2007 – CV: 9-0
15. Dobson & LaFountain Intro. 318 Res. 303 29-0 07-0253 Accepting Funding From New York State Office For The Aging For Elder Abuse Education And Outreach Program; Authorizing Contract With Lifespan, Inc. Human Services Committee; July 31, 2007 – CV: 8-0 Ways and Means Committee; August 1, 2007 – CV: 9-0
16. Dobson & LaFountain Intro. 319 Res. 304 29-0 07-0254 Accepting Funding 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; July 31, 2007 – CV: 8-0 Ways and Means Committee; August 1, 2007 – CV: 9-0

17. Dobson & LaFountain 07-0255 Accepting Funding From New York State Office For The Aging For Area Agency On Aging Transportation Program
Intro. 320 Human Services Committee; July 31, 2007 – CV: 8-0
Res. 305 Ways and Means Committee; August 1, 2007 – CV: 9-0
29-0
18. Dobson & LaFountain 07-0256 Amending Resolution 95 Of 2007 To Accept Additional Funding From New York State Office For The Aging
Intro. 321 Human Services Committee; July 31, 2007 – CV: 8-0
Res. 306 Ways and Means Committee; August 1, 2007 – CV: 9-0
29-0
19. Dobson & LaFountain 07-0257 Accepting Grant From Mercy Residential Services For Families First/Project To Reunite Families
Intro. 322 Human Services Committee; July 31, 2007 – CV: 8-0
Res. 307 Ways and Means Committee; August 1, 2007 – CV: 9-0
29-0
20. Dobson & LaFountain 07-0258 Accepting Grant From New York State Office Of Temporary And Disability Assistance For 2007 Summer Youth Employment Program
Intro. 323 Human Services Committee; July 31, 2007 – CV: 8-0
Res. 308 Ways and Means Committee; August 1, 2007 – CV: 9-0
29-0
21. Cassetti & LaFountain 07-0259 Authorizing Contract With DiFiore Construction, Inc. For Construction For Rehabilitation Of Runway 7-25 Project At The Greater Rochester International Airport
Intro. 324 Environment and Public Works Committee; August 1, 2007 – CV: 8-0
Res. 309 Ways and Means Committee; August 1, 2007 – CV: 9-0
29-0
22. Cassetti & LaFountain 07-0259 br. Resolution Authorizing The Issuance Of \$3,800,000 Bonds Of The County Of Monroe, New York, To Finance The Cost Of The Reconstruction Of Runway 7/25 And Related Improvements, Including Incidental Improvements, At The Greater Rochester International Airport In And For Said County, And Superseding The Bond Resolution Adopted On May 7, 2004 (Resolution No. 133 Of 2004)
Intro. 325 Environment and Public Works Committee; August 1, 2007 – CV: 8-0
Res. 310 Ways and Means Committee; August 1, 2007 – CV: 9-0
29-0
23. Cassetti & LaFountain 07-0260 Adopting A Green Building Policy For New Monroe County Construction And Major Renovation Projects
Intro. 326 Environment and Public Works Committee; August 1, 2007 – CV: 8-0
M. 96 Ways and Means Committee; August 1, 2007 – CV: 9-0
Eckel/Heider
A Motion to Amend Intro. No. 326 “**Adopting A Green Building Policy for New Monroe County Construction an Major Renovation Projects**” as follows:

To strike the sections one and two in their entirety and replace with the following resolution:

1. Schedule and hold a public hearing on this proposed resolution.
2. Enact a local law, adopting the following resolution:

Green Building Policy for New Monroe County Construction and Major Renovations

SECTION 1. SHORT TITLE

This resolution shall be called the Green Buildings Act.

SECTION 2. FINDINGS AND PURPOSE

(A) FINDINGS

The Monroe County Legislature finds that:

1. Energy costs for public buildings are skyrocketing and will likely continue to increase.
2. Energy use by public buildings contributes substantially to the problems of pollution and global warming.
3. Public buildings can be built and renovated using high-performance methods that save energy costs, preserve the environment, and make workers and students more productive.

(B) PURPOSE This law is enacted to more efficiently spend public funds and protect the health and welfare of Monroe County residents.

SECTION 3. GREEN BUILDINGS

(A) DEFINITIONS In this section:

1. Major facility project shall be defined as: (a) A building construction project larger than 5,000 gross square feet of occupied or conditioned space; or (b) A building renovation project when the cost is greater than 50 percent of the assessed value and the project is larger than 5,000 gross square feet of occupied or conditioned space.
2. LEED silver standard shall be defined as: the U.S. Green Building Council's (USGBC) Leadership in Energy and Environmental Design for New Construction (LEED-NC) Rating System, Version 2.2, achieving from 33 to 38 of a possible total of 69 points.

(B) GREEN BUILDING RATING SYSTEM.

President Zyra declared a brief recess at 7:10 p.m.

Legislator Smith raised a point of order stating pursuant to Section 545-25 of the Rules of the Monroe County Legislature, the proposed amendment is Out of Order because it was not properly filed in the Legislature Clerk's Office. President Zyra concurred with Legislator Smith and ruled that the amendment was out of order. Legislator Palumbo raised a point of order and Appealed the Ruling of the Chair. The following vote was taken to Sustain the Ruling of the Chair as follows:

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. 326
Res. 311
29-0

Main Motion

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| 24. | Cassetti & LaFountain
Intro. 327
Res. 312
29-0 | 07-0261 | Authorizing Contract With Sports Construction Group, LLC For Frontier Field Playing Field Replacement Project
Environment and Public Works Committee; August 1, 2007 – CV: 8-0
Ways and Means Committee; August 1, 2007 – CV: 9-0 |
| 25. | Cassetti & Tucciarello
Intro. 328
Res. 313
29-0 | 07-0262 | Authorizing Contract With Center For Integrated Manufacturing Studies At Rochester Institute Of Technology To Evaluate Life-Cycle Engineering Issues Associated With Use Of Alternative Fuels In Monroe County Fleet Vehicles
Environment and Public Works Committee; August 1, 2007 – CV: 8-0 |
| 26. | Tucciarello & LaFountain
Intro. 329
Res. 314
29-0 | 07-0263 | Authorizing Acquisition Of Property Interests In Real Property For Calkins Road/ Middle Road Highway Project, Town Of Henrietta
Transportation Committee; August 1, 2007 – CV: 8-0
Ways and Means Committee; August 1, 2007 – CV: 9-0 |
| 27. | Tucciarello & LaFountain
Intro. 330
Res. 315
29-0 | 07-0264 | Authorizing Acquisition Of Property Interests In Real Property For The Calkins Road Highway Project And For The Construction And Maintenance Of Traffic Signal Equipment At Calkins Road In The Town Of Henrietta
Transportation Committee; August 1, 2007 – CV: 8-0
Ways and Means Committee; August 1, 2007 – CV: 9-0 |
| 28. | Tucciarello & LaFountain
Intro. 331
Res. 316
29-0 | 07-0265 | Authorizing Acquisition Of Property Interests In Real Property For Garnsey Road Highway Project In The Town Of Perinton
Transportation Committee; August 1, 2007 – CV: 8-0
Ways and Means Committee; August 1, 2007 – CV: 9-0 |

29. Tucciarello & LaFountain 07-0266
Intro. 332
Res. 317
29-0
Authorizing Contract For Engineering Services With Hunt Engineers, Architects & Land Surveyors, P.C. And Authorizing Contract With New York State Department Of Transportation For Long Pond Road V Project In Town Of Greece
Transportation Committee; August 1, 2007 – CV: 8-0
Ways and Means Committee; August 1, 2007 – CV: 9-0
30. Adair, Tucciarello & LaFountain 07-0267
Intro. 333
Res. 318
29-0
Authorizing Contract For Engineering Services With FRA Engineering, P.C. And Authorizing Contract With New York State Department Of Transportation For The Replacement Of The Honeoye Falls Road #6 Bridge Over Honeoye Creek Project In The Town Of Mendon
Transportation Committee; August 1, 2007 – CV: 8-0
Ways and Means Committee; August 1, 2007 – CV: 9-0
31. LaFountain & McCann 07-0268
Intro. 334
Res. 319
29-0
Authorizing Sale Of County Owned Tax Foreclosed Property In The Town Of Ogden
Ways and Means Committee; August 1, 2007 – CV: 9-0
32. LaFountain & McCann 07-0269
Intro. 335
Res. 320
29-0
Authorizing Contract With LANDATA Technologies, Inc. For Installation And Operation Of Integrated County Clerk's Records Management System
33. Barker, LaFountain, Eckel & Aldersley 07-0271
Intro. 336
Res. 321
29-0
Accepting Grant From New York State Division Of Criminal Justice Services For District Attorney Retention Program
Public Safety Committee; July 30, 2007 – CV: 8-0
Ways and Means Committee; August 1, 2007 – CV: 9-0
34. Cassetti, Tucciarello, Smith, Adair, Barker, Colby, DiRaddo, Dobson, Driscoll, Hanna, LaFountain, Malta, McCann, Quatro, Yolevich & Valerio 07-0272
Intro. 337
Res. 322
24-5
Confirming Appointment Of Director Of Aviation
Environment and Public Works Committee; August 1, 2007 – CV: 5-3
- (Legislators Aldersley, Bronson, Gamble, Haney and Lee voted in the negative)*

UNFINISHED BUSINESS

NONE

Upon Motion by Legislator Smith, the Legislature adjourned at 7:26 P.M. until Tuesday, September 11, 2007 at 6:00 P.M.

DAVID M. BARRY, JR.
Clerk of the Legislature