

TENTH DAY

TUESDAY, SEPTEMBER 12, 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, Eckel, Gamble, Haney, Hanna, Heider, LaFountain, Lee, Lightfoot, Malta, McCann, O'Brien, Palumbo, Quatro, Smith, Tucciarello, Valerio, Yolevich, Zyra — 28

Absent – Legislator Driscoll - 1

Note: Legislator Driscoll entered the Chambers during the Invocation.

Meeting formally opened. At the invitation of Legislator David C. Malta. The Reverend William C. Mitchatek, Church of the Most Holy Trinity, delivered the invocation. The Pledge of Allegiance to the Flag was led by Legislator David C. Malta.

APPROVAL OF MINUTES

Without objection, the journal of the session of Day 9, August 8, 2006 was approved as submitted.

PETITIONS AND COMMUNICATIONS

PROCLAMATIONS

By the President of the Legislature — **WAYNE E. ZYRA**

Recognized Jointly with Legislators Mark J. Cassetti, Raymond S. DiRaddo “Daniel Newhouse” for his incredible courage, determination and generosity as a special events coordinator and transplant recipient for the National Kidney Foundation.

Read and Filed.

Recognized Jointly with Legislator David C. Malta “Michael and Richard Nguyen” for their achievements at the 2006 World Karate Championships.

Read and Filed.

Recognized Jointly with Legislators Travis R. Heider, Paul E. Haney, Harry B. Bronson “Brighton Baseball 9-10 Year Old Tournament Team” for their outstanding accomplishments.

Read and Filed.

Recognized Jointly with Legislator Stephanie Polowe Aldersley “Mordecai Lipshutz” to thank him for his dedication to the arts and for bringing beautiful music to our community.

Read and Filed.

Recognized Jointly with Legislator Stephanie Polowe Aldersley “Simon Pontin” to thank him for his dedication to the art and for bring beautiful music to our community.

Read and Filed.

RECESS

A recess was declared by President Zyra to allow for one **Public Hearing** entitled...

A Local Law Entitled “Amending Monroe County Administrative Code And Charter Relating To The Annual Budget Process” Thirteen speakers addressed the Legislature and the hearing concluded at 7:03 P.M.

RECONVENING LEGISLATURE

President Zyra reconvened the recessed meeting of September 12, 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. Fourteen speakers addressed the Legislature on various subjects and the Open Forum concluded at 7:41 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 September 12, 2006 and proceeded under the Usual Order of Business.

LOCAL LAWS

1. Smith & Adair
Intro. 331
M. 67
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 Lifted From The Table

2. Smith & Adair
Intro. 332 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 Adopted
Agenda/Charter Committee; August 2, 2006 – CV: 3-2
Ways and Means Committee; August 2, 2006 – CV: 5-3

- Intro. 333
M. 68 Andrews/O'Brien
An Amendment To Divide The Question regarding Referral #06-06257 "Enactment of a Local Law Of A Local Law Amending The Monroe County Administrative Code and Charter Relating to the Annual Budget Process" to sever the first three bullet points as follows:
 - Implementation of multi-year budget forecasting;
 - Presentation of the budget as two separate documents indicating spending by mandated and non-mandated services;
 - Presentation of the mandated and non-mandated budgets to reflect those areas under the jurisdiction of the responsible elected officials.In order to call the question the first three items and further debate the fourth bullet point as follows:
 - Changing the budget submission date from the second Tuesday in October to November 15.

RECESS

President Zyra declared a brief recess.

RECONVENING LEGISLATURE

President Zyra reconvened the recessed meeting of September 12, 2006 and proceeded under the Usual Order of Business.

Intro. 333
M. 68
14-15F

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

Intro. 334
M. 69
12-17F

Eckel/Heider

To Amend Intro. No. 289, proposed Local Law entitled "Amending the Monroe County Administrative Code and Charter Relating to the Annual Budget Process" with the following changes:

Section 2. A6-9. Submission of annual budget to County Legislature.
To strike "**November 15**" and insert "**October 1**" in the first sentence.

Section 3. A6-12. Public hearing.
To strike "**five (5)**" and insert "**ten (10)**" from the second and forth sentences, as the county charter currently reads.

Section 4. C4-2(A). Submission of annual budget.
To strike "**November 15**" and insert "**October 1**" in the first sentence.

Section 5. C4-3. Public hearing.
To strike "**five (5)**" and insert "**ten (10)**" from the first and last sentences, as the county charter currently reads.

Section 6. C4-4(A). Adoption of annual budget.
To insert "**No later than the 15th day of November, the County Legislature shall meet for purpose of deliberating upon the adoption of the budget.**" as the last sentence in the first paragraph, as the county charter currently reads.

Section 6. C4-4(B). Adoption of annual budget.
To strike "**16th**" and insert "**the second Tuesday in**" in the last sentence, as the county charter currently reads.

Section 6. C4-4(C). Adoption of annual budget.
To strike "**All actions to be performed within a 48 hour period shall be performed within 48 hours regardless of whether the 48 hour period expires on a Saturday, Sunday, or holiday.**"

Section 6. C4-4(D). Adoption of annual budget.
To strike "**All actions to be performed within a 48 hour period shall be performed within 48 hours regardless of whether the 48 hour period expires on a Saturday, Sunday, or holiday.**"

Section 6. C4-4(E). Adoption of annual budget.

To strike “second Tuesday in December” and insert “last Tuesday in November” from the sentence, as the county charter currently reads.

Section 6. C4-4(E). Adoption of annual budget.

To strike “16th” and insert “the second Tuesday in” in the last sentence, as the county charter currently reads.

Section 6. C4-4(F). Adoption of annual budget.

To strike “16th” and insert “the second Tuesday in” in the first sentence, as the county charter currently reads.

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

Intro. 335
M. 70
12-17F

Lightfoot/Lee

To amend Intro. No. 289, proposed Local Law entitled “Amending the Monroe County Administrative Code and Charter Relating to the Annual Budget Process” to insert the following paragraph as A(6) under Section C4-2A:

“(6) The County Executive will be required to provide a preliminary budget summary that includes the budget deficit or surplus, the proposed real property tax rate, the expected county job cuts and service cuts needed to balance the budget. The summary is to be published in the official county newspaper and on the official county web site, and is to be provided in hard copy to all Monroe County Legislators by the second Tuesday in October preceding the budget year.”

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

Intro. 336
M. 71
11-18F

Haney/Lee/Bronson

To Amend Intro. No. 289, proposed Local Law entitled “Amending the Monroe County Administrative Code and Charter Relating to the Annual Budget Process” to insert the following paragraph as Section 8:

Section 8. “Sunset Provision Period: Upon enactment of this local law, the budget submission date change to November 15 will expire in one year from the date of approval. Upon expiration, the County Executive will be required to submit the county budget proposal to the Monroe County Legislature by the second Tuesday in October, as the county charter currently reads.”

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

Intro. 332
M. 72
15-14

Be Adopted

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

Intro. 289
Local Law No. TBA
15-14

Main Motion

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

MOTIONS, RESOLUTIONS AND NOTICES

- Intro. 337
M. 73
Palumbo/Aldersley
Motion to Discharge From Committee Referral 06-0309 From The Ways and Means Committee
- Intro. 338
M. 74
17-12
Smith/Quatro
Motion to Table Intro. 337
(Legislators Palumbo, Aldersley, Andrews, Bronson, Cruz, Eckel, Gamble, Haney, Heider, Lee, Lightfoot and O'Brien voted in the negative)
3. Yolevich, 06-0260 Providing That Resolution (Intro. No. 297 Of 2006), Entitled, "Authorizing Additions To Monroe County Agricultural Districts," Be Lifted From The Table
Driscoll & Barker
Intro. 339
M. 75
29-0
4. Yolevich, 06-0260 Providing That Resolution (Intro. No.297 Of 2006), Entitled, "Authorizing Additions To Monroe County Agricultural Districts," Be Adopted
Driscoll & Barker
Intro. 340
M. 76
29-0
Planning and Economic Development Committee; August 21, 2006 CV: 4-0
- Intro. 297
Res. 246
29-0
Main Motion
5. Barker & 06-0291 Accepting Grant From New York State Crime Victims Board For Victim Assistance Program
LaFountain
Intro. 341
Res. 247
29-0
Public Safety Committee; August 21, 2006 - CV: 8-0
Ways and Means Committee; August 23, 2006 - CV: 10-0
6. Dobson & 06-0292 Accepting Grant From New York State Department Of Health For HIV Partner Notification Program
LaFountain
Intro. 342
Res. 248
29-0
Human Services Committee; August 22, 2006 - CV: 8-0
Ways and Means Committee; August 23, 2006 - CV: 10-0
7. Dobson & 06-0293 Accepting Grant From New York State Office Of Children And Family Services For Family Day Care Registration And Compliance Program
LaFountain
Intro. 343
Res. 249
29-0
Human Services Committee; August 22, 2006 - CV: 8-0
Ways and Means Committee; August 23, 2006 - CV: 10-0
8. Malta, 06-0294 Amending Resolution 450 Of 2005 To Accept Additional Funding From
Dobson & LaFountain
Intro. 344
Res. 250
29-0
New York State Office For The Aging For 2006 Aging Programs
Human Services Committee; August 22, 2006 - CV: 8-0
Ways and Means Committee; August 23, 2006 - CV: 10-0

9. Dobson & LaFountain
Intro. 345
Res. 251
29-0
06-0295
Accepting Grants From Children's Institute, Inc. And New York State Office Of Children And Family Services For Community Health Worker Program Services
Human Services Committee; August 22, 2006 - CV: 8-0
Ways and Means Committee; August 23, 2006 - CV: 10-0
10. Cassetti, Dobson & LaFountain
Intro. 346
Res. 252
29-0
06-0296
Accepting Grant From New York State Department Of Environmental Conservation For Environmental Protection Fund Program
Environment and Public Works Committee; August 23, 2006 - CV: 7-0
Human Services Committee; August 22, 2006 - CV: 8-0
Ways and Means Committee; August 23, 2006 - CV: 10-0
11. Cassetti & Colby
Intro. 347
Res. 253
29-0
06-0297
Adopting An Endorsing Resolution For New York State Department Of Transportation Airport Improvement And Revitalization Grant Program Funding And New York State General Aviation Airport Security Program Funding For Airport Improvement Projects At Ledgesdale Airpark, Brockport, New York
Environment and Public Works Committee; August 23, 2006 - CV: 7-0
12. Cassetti & LaFountain
Intro. 348
Res. 254
29-0
06-0298
Authorizing Contract With Blasland, Bouck & Lee, Inc. For Professional Engineering Services For The Northwest Quadrant Pure Waters District's Northwest Quadrant Wastewater Treatment Facility Auxiliary Centrifuge Project
Environment and Public Works Committee; August 23, 2006 - CV: 7-0
Ways and Means Committee; August 23, 2006 - CV: 10-0
13. Tucciarello & LaFountain
Intro. 349
Res. 255
29-0
06-0301
Accepting Grant From The Federal Highway Administration And Award A Contract For Engineering Services With Bergmann Associates, Related To The Monroe County Accident Rate Database Project
Transportation Committee; August 23, 2006 - CV: 7-0
Ways and Means Committee; August 23, 2006 - CV: 10-0
14. Tucciarello & LaFountain
Intro. 350
Res. 256
29-0
06-0302
Accepting Grant From The Federal Highway Administration Related To The Monroe County High Accident Location Program
Transportation Committee; August 23, 2006 - CV: 7-0
Ways and Means Committee; August 23, 2006 - CV: 10-0
15. Tucciarello, Barker & LaFountain
Intro. 351
Res. 257
29-0
06-0303
Accepting Grant From The Federal Highway Administration Related To Monroe County Overhead Traffic Sign Visibility Upgrade Project
Transportation Committee; August 23, 2006 - CV: 7-0
Public Safety Committee; August 21, 2006 - CV: 8-0
Ways and Means Committee; August 23, 2006 - CV: 10-0
16. Valerio & LaFountain
Intro. 352
Res. 258
29-0
06-0306
Authorizing Contract With SWBR Architects For Professional Services For MCC Building 9 Expansion And Renovation Project
Recreation and Education Committee; August 22, 2006 - CV: 4-0
Ways and Means Committee; August 23, 2006 - CV: 10-0
17. Barker & LaFountain
Intro. 353
Res. 259
29-0
06-0307
Amending Resolution 83 Of 2005 To Accept Additional Funding From New York State Division Of Criminal Justice Services For DNA Capacity Enhancement Program And To Extend Time Period
Public Safety Committee; August 21, 2006 - CV: 8-0
Ways and Means Committee; August 23, 2006 - CV: 10-0

Matters Of Urgency

18. Dobson & LaFountain
Intro. 354
Res. 260
29-0
06-0339
Accepting Grant From City Of Rochester For Housing And Urban Development Lead Control Program
Matter Of Urgency

19. Driscoll & Barker
Intro. 355 06-0340 Approving Boundary Revision To The Monroe County Empire Zone To Include Certain Property In The Town Of Henrietta, New York; Authorization To Submit Boundary Revision Application
Matter Of Urgency
(For Introductory Purposes Only)
20. Driscoll & Barker
Intro. 356
M. 77
29-0 06-0340 Providing That Local Law (Intro. No. 355 Of 2006), 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 And 6 Of 2006 To Revise Empire Zone Boundary," Be Tabled
21. Driscoll & Barker
Intro. 357
Res. 261
29-0 06-0340 Fixing A Public Hearing On Local Law (Intro. No. 355 Of 2006), 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 And 6 Of 2006 To Revise Empire Zone Boundary."
(Public Hearing is Scheduled for Tuesday, October 10, 2006 at 6:15 P.M.)
22. Dobson & LaFountain
Intro. 358
Res. 262
29-0 06-0341 Accepting Grant From New York State Department Of Health For Consolidated Child And Family Health Program
Matter of Urgency
23. Malta, Barker & LaFountain
Intro. 359
Res. 263
29-0 06-0342 Proposed Agreement Between Monroe County, Monroe County Sheriff, And The Monroe County Deputy Sheriff's Association Inc.
Matter Of Urgency.

UNFINISHED BUSINESS

President Zyra made a motion to Move into Executive Session at 10:07 P.M. and declared Executive Session closed at 10:22 P.M.

Upon Motion by Legislator Smith, the Legislature adjourned at 10:25 P.M. until Tuesday, October 10, 2006 at 6:00 P.M.

DAVID M. BARRY, JR.
Clerk of the Legislature