

SEVENTH DAY

TUESDAY, June 14, 2011

Legislature met pursuant to adjournment.

President Jeffrey R. Adair in the Chair.

ROLL CALL

Present — Legislators Adair, Andrews, Antelli, Barker, Bauroth, Beebe, Cassetti, Colby, Daniele, Drawe, Eckel, Esposito, Gamble, Gumina, Haney, Hanna, Heider, Howland, Kaleh, Lee, Lightfoot, Maneiro, McCann, O'Brien, Quatro, Rockow, Tucciarello, Valerio, Yolevich— 29

Meeting formally opened. At the invitation of Legislator Dick Beebe, Ms. Gayle Marshall, Chaplain for the Monroe County American Legion Post/ Greece Post 468 delivered the invocation. The Pledge of Allegiance to the Flag was led by Legislator Willie J. Lightfoot.

APPROVAL OF MINUTES

Without objection, the journal of the session of Day Six, May 10, 2011 was approved as submitted.

PETITIONS AND COMMUNICATIONS

NONE

President Adair recognized Mark Quinn, Horticulturist from the Parks Department, who introduced the Plant of the Month, the *Buddleia* to the Legislature.

PROCLAMATIONS AND PRESENTATIONS

By the President of the Legislature — Jeffrey R. Adair

Proclaimed Jointly with County Executive Maggie Brooks and Legislator Mary A. Valerio, “Florence Brasser Elementary School” on winning the 2010 Blue Ribbon award.

Read and Filed.

Proclaimed Jointly with County Executive Maggie Brooks and Legislators Mark J. Cassetti, Jeffery McCann, and Rick Antelli “Judith Ranaletta” on her recent retirement and wish her all the best in her future endeavors.

Read and Filed.

Recognized Jointly with Legislators Richard Yolevich and Rick Antelli, “The Hilton Girls Varsity Basketball Team” on winning the Section V Class AA Basketball Championship.

Read and Filed.

Recognized Jointly with Legislators Michael G. Barker and Ciaran T. Hanna, “The Fairport Varsity Wrestling Team” on clinching the Section V Class AA Wrestling Championship.

Read and Filed.

Recognized Jointly with Legislators Mike Rockow and Richard Yolevich “The Brockport High School Electrathon Club” on taking first place in the Novice Division in the Central New York Electrathon Challenge.

Read and Filed.

Recognized Jointly with Legislator Cynthia Kaleh “The Seniors Program at the Charles Settlement House” for their dedication to the health, wellness and vitality of the senior population in Monroe County.

Read and Filed

Recognized Jointly with Legislator Willie Joe Lightfoot “19th Ward Community Association” for more than 45 years of exemplary service to Rochester’s 19th Ward Neighborhood.

Read and Filed

RECESS

President Adair recessed the meeting to allow for two Public Hearings entitled...

“Amending the Monroe County Charter Regarding Legislative Work Program Reform” No speakers addressed the Legislature and the hearing concluded at 6:31 P.M.

“Restricting Disruptive Protesting Activities at Funeral Related Events” One speaker addressed the Legislature and the hearing concluded at 6:33 P.M.

RECONVENING LEGISLATURE

President Adair reconvened the recessed meeting of June 14, 2011 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. One speaker addressed the Legislature and the Open Forum concluded at 6:37 P.M.

Note: President Adair Pulled Items # 32 and # 33 out of regular agenda order.

MATTERS OF URGENCY

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| 32. Daniele & Yolevich Intro. 224 Res. 166 29-0 | 11-0180. S. Requesting The Senate of The State Of New York Pursuant to Article IX Of the Constitution To Enact Into Law Senate Bill No. S.4575 Entitled, “An Act to Amend The Tax Law, In Relation To The Imposition Of Sales And Compensating Use Taxes By The County Of Monroe” Matter Of Urgency |
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33. Daniele & Yolevich
Intro. 225
Res. 167
29-0
- 11-0181. A. Requesting The Assembly of The State Of New York Pursuant to Article IX Of the Constitution To Enact Into Law Assembly Bill No. A.8358 Entitled, "An Act to Amend The Tax Law, In Relation To The Imposition Of Sales And Compensating Use Taxes By The County Of Monroe"
Matter Of Urgency

Note: President Adair requested a brief recess.

CONSIDERSATION OF LOCAL LAWS

1. Yolevich & Howland
Intro. 226
M. 53
29-0
- 11-0100LL Providing that Local Law (Intro.No. 163 of 2011) Entitled "Amending the Monroe County Charter Regarding Legislative Work Program Reform," Be Lifted from the Table
2. Yolevich & Howland
Intro. 227
M. 54
- 11-0100LL Providing that Local Law (Intro.No. 163 of 2011) Entitled "Amending the Monroe County Charter Regarding Legislative Work Program Reform," Be Adopted
- Intro. 228
M. 55
13-16 F
- Esposito/O'Brien
Motion to Amend Intro No. 163 of 2011
Be It Moved, that Agenda Item No. 2 of 2011 be amended to read as follows:

Section 1. Monroe County Charter § C2-4(B) (6) is hereby amended to read as follows:

§ C2-4. President of the Legislature.

B. Powers and duties. The President shall have the following powers and duties:

(6) To act with the Agenda Committee to develop ~~an annual~~ an annual work program of major policy concerns for the Legislature, which work program shall be presented to the Legislature for consideration on or about its first regularly scheduled meeting ~~the first day of April~~ of each year ~~that a new Legislature is seated~~. [Amended 4-10-1984 by L.L. No. 4-1984, approved 4-27-1984]

Section 2. Monroe County Charter §C2-9(H) is hereby amended to read as follows:

§ C2-9. Organization; committees; meetings. [Amended 9-14-1983 by L.L. No. 3-1983]

H. Committees; agenda committee. The President shall appoint members of the County Legislature to serve on such standing legislative committees as shall be provided herein or by the rules of the County Legislature. There shall be an Agenda Committee which shall be responsible for developing ~~an annual~~ an annual work program ~~of major policy concerns that shall include the following sections: Jobs, Spending, Taxes, Ethics, Public Safety, Human Services, and Oversight of Public Entities.~~ It is the intention of this provision that other committees established by the County Legislature have jurisdictions which are broadly defined in relation to the main functional activities of the County, such as finance, human services, public safety services, physical services, planning and intergovernmental affairs. Further, it is intended that such committees use the ~~annual~~ annual work program developed by the Agenda Committee and utilize legislative staff to focus on fundamental policy issues. The appointment of chairpersons of such committees shall be based on interest, expertise and previous experience. [Amended 4-10-1984 by L.L. No. 4-1984, approved 4-27-1984]

Section 3. This local law shall take effect in accordance with the provisions of the Municipal Home Rule Law and the Monroe County Charter.

(Legislators O'Brien, Andrews, Bauroth, Beebe, Eckel, Esposito, Gamble, Haney, Heider, Kaleh, Lee, Lightfoot and Maneiro voted in the positive)

Intro. 227
M. 54
16-13

Be Adopted

(Legislators O'Brien, Andrews, Bauroth, Beebe, Eckel, Esposito, Gamble, Haney, Heider, Kaleh, Lee, Lightfoot and Maneiro voted in the negative)

Intro. 163
LL. TBA
16-13

Main Motion

(Legislators O'Brien, Andrews, Bauroth, Beebe, Eckel, Esposito, Gamble, Haney, Heider, Kaleh, Lee, Lightfoot and Maneiro voted in the negative)

3. Beebe &
Howland
Intro. 229
M. 56
29-0

11-0106LL Providing that Local Law (Intro.No. 166 of 2011) Entitled "Restricting Disruptive Protesting Activities at Funeral Related Events," Be Lifted from the Table

4. Beebe,
Yolevich &
Howland
Intro. 230
M. 57
27-2

11-0106LL Providing that Local Law (Intro.No. 166 of 2011) Entitled "Restricting Disruptive Protesting Activities at Funeral Related Events," Be Adopted

(Legislators Andrews and Bauroth voted in the negative)

Intro. 166
LL. TBA
27-2

Main Motion

(Legislators Andrews and Bauroth voted in the negative)

Intro. 231
M. 58
29-0

Quatro/O'Brien

Motion to Move Agenda as a Whole

5. Daniele &
Yolevich
Intro. 232
Res. 168
29-0

11-0134 Appointment to 911 Operating Practices Board

6. Howland &
Daniele
Intro. 233
Res. 169
29-0

11-0142 Approving Submission of 2011 Annual Action Plan for Housing and Community Development in Suburban Monroe County and Grant Submission to U.S. Department of Housing and Urban Development
Planning and Economic Development Committee; May 23, 2011, CV – 5-0
Ways and Means Committee; May 25, 2011, CV – 11-0

7. Howland,
Hanna,
Valerio,
Antelli,
Drawe,
Cassetti,
Colby &
Daniele
Intro. 234

11-0143 Adopting 2012-2017 Capital Improvement Program
Planning and Economic Development Committee; May 23, 2011, CV – 5-0
Public Safety Committee; May 23, 2011, CV – 8-0
Recreation and Education Committee; May 24, 2011, CV – 4-0
Intergovernmental Relations Committee; May 24, 2011, CV – 5-0
Human Services Committee; May 23, 2011, CV – 7-0
Environment and Public Works Committee; May 25, 2011, CV – 7-0
Transportation Committee; May 25, 2011, CV – 8-0
Ways and Means Committee; May 25, 2011, CV – 11-0
(For Introductory Purposes Only)

8. Howland, Hanna, Valerio, Antelli, Drawe, Cassetti, Colby & Daniele
Intro. 235
M. 59
29-0
11-0143 Providing that Resolution (Intro. No. 234 of 2011), "Adopting 2012-2017 Capital Improvement Program," Be Tabled
Planning and Economic Development Committee; May 23, 2011, CV – 5-0
Public Safety Committee; May 23, 2011, CV – 8-0
Recreation and Education Committee; May 24, 2011, CV – 4-0
Intergovernmental Relations Committee; May 24, 2011, CV – 5-0
Human Services Committee; May 23, 2011, CV – 7-0
Environment and Public Works Committee; May 25, 2011, CV – 7-0
Transportation Committee; May 25, 2011, CV – 8-0
Ways and Means Committee; May 25, 2011, CV – 11-0
9. Howland, Hanna, Valerio, Antelli, Drawe, Cassetti, Colby & Daniele
Intro. 236
Res. 170
29-0
11-0143 Fixing Public Hearing for Adoption of 2012-2017 Capital Improvement Program
Planning and Economic Development Committee; May 23, 2011, CV – 5-0
Public Safety Committee; May 23, 2011, CV – 8-0
Recreation and Education Committee; May 24, 2011, CV – 4-0
Intergovernmental Relations Committee; May 24, 2011, CV – 5-0
Human Services Committee; May 23, 2011, CV – 7-0
Environment and Public Works Committee; May 25, 2011, CV – 7-0
Transportation Committee; May 25, 2011, CV – 8-0
Ways and Means Committee; May 25, 2011, CV – 11-0
(Public Hearing is Scheduled for Tuesday, July 12, 2011 at 6:15 p.m.)
10. Hanna & Daniele
Intro. 237
Res. 171
29-0
11-0144 Authorizing Contract with Boris Shmigel, M.D. for Sheriff's Employees' Medical Services
Public Safety Committee; May 23, 2011, CV – 8-0
Ways and Means Committee; May 25, 2011, CV – 11-0
11. Drawe & Daniele
Intro. 238
Res. 172
29-0
11-0145 Amending Resolution 146 of 2010 to Accept Additional Funding from New York State Department of Health for Rabies Reimbursement Program
Human Services Committee; May 23, 2011, CV – 7-0
Ways and Means Committee; May 25, 2011, CV – 11-0
12. Drawe & Daniele
Intro. 239
Res. 173
29-0
11-0146 Amending Resolution 225 of 2010 to Accept Additional Funding from New York State Department of Health for Nutrition Programs; Authorizing Contracts with Jacqueline Pradia and Kamaria Dorsey
Human Services Committee; May 23, 2011, CV – 7-0
Ways and Means Committee; May 25, 2011, CV – 11-0
13. Drawe & Daniele
Intro. 240
Res. 174
29-0
11-0147 Amending Resolution 249 of 2010 to Accept Additional Funding from New York State Department of Health for Healthy Neighborhoods Program
Human Services Committee; May 23, 2011, CV – 7-0
Ways and Means Committee; May 25, 2011, CV – 11-0
14. Drawe & Daniele
Intro. 241
Res. 175
29-0
11-0148 Amending Resolution 311 of 2010 to Authorize Contract with Visiting Nurse Service of Rochester and Monroe County, Inc. for Healthy Mom – Healthy Baby Program
Human Services Committee; May 23, 2011, CV – 7-0
Ways and Means Committee; May 25, 2011, CV – 11-0
15. Drawe & Daniele
Intro. 242
Res. 176
29-0
11-0149 Accepting Grant from New York State Department of Health for Immunization Action Plan Program; Authorizing Contract with University of Rochester
Human Services Committee; May 23, 2011, CV – 7-0
Ways and Means Committee; May 25, 2011, CV – 11-0

16. Drawe & Daniele
Intro. 243
Res. 177
29-0
11-0150 Amending Resolution 90 of 2011 to Accept Additional Funding from New York State Office of Temporary and Disability Assistance for 2010-2011 Home Energy Assistance Program
Human Services Committee; May 23, 2011, CV – 7-0
Ways and Means Committee; May 25, 2011, CV – 11-0
17. Drawe & Daniele
Intro. 244
Res. 178
29-0
11-0151 Amending Resolution 176 of 2010 to Accept Additional Funding from New York State Office for the Aging for Monroe County Office for the Aging Programs
Human Services Committee; May 23, 2011, CV – 7-0
Ways and Means Committee; May 25, 2011, CV – 11-0
18. Valerio & Daniele
Intro. 245
Res. 179
29-0
11-0152 Authorizing Contract with Bergmann Associates for Professional Engineering Services for Oatka Creek Park Master Plan Improvements Project
Recreation and Education Committee; May 24, 2011, CV – 4-0
Ways and Means Committee; May 25, 2011, CV – 11-0
19. Cassetti & Daniele
Intro. 246
Res. 180
29-0
11-0153 Authorizing Contract with Labella Associates for Professional Engineering Services for Monroe County Correctional Facility Addition Project
Environment and Public Works Committee; May 25, 2011, CV – 7-0
Ways and Means Committee; May 25, 2011, CV – 11-0
20. Colby & Daniele
Intro. 247
Res. 181
29-0
11-0154 Authorizing Acquisition of Interests in Real Property for John Street Extension, Highway Improvement Project from John Street Cul-de-sac to Lehigh Station Road P.N. 4754.15 in Town of Henrietta
Transportation Committee; May 25, 2011, CV – 8-0
Ways and Means Committee; May 25, 2011, CV – 11-0
21. Colby & Daniele
Intro. 248
Res. 182
29-0
11-0155 Authorizing Acquisition of Interests in Real Property for Construction and Maintenance of Traffic Signal Equipment at Intersections of Ridge Road and Palm Street, Lake Avenue and Former Keehl Street, Lake Avenue and Former Hanford Landing Road, and Maplewood Drive and Former Hanford Landing Road in City of Rochester
Transportation Committee; May 25, 2011, CV – 8-0
Ways and Means Committee; May 25, 2011, CV – 11-0
22. Colby & Daniele
Intro. 249
Res. 183
29-0
11-0156 Authorizing Acquisition of Interests in Real Property for Construction and Maintenance of Traffic Signal Equipment at Intersections of West Main Street and Henion Street in City of Rochester
Transportation Committee; May 25, 2011, CV – 8-0
Ways and Means Committee; May 25, 2011, CV – 11-0
23. Cassetti & Daniele
Intro. 250
11-0157 Authorizing Acquisition of Property at 545 Ballantyne Road, Town of Chili; Amending Resolution 437 of 1989 to Amend Lease and Operating Agreement with Monroe County Airport Authority to Add the Property Commonly Known as 545 Ballantyne Road, Town of Chili, New York
Environment and Public Works Committee; May 25, 2011, CV – 7-0
Ways and Means Committee; May 25, 2011, CV – 11-0
(For Introductory Purposes Only)
24. Cassetti & Daniele
Intro. 251
M. 60
29-0
11-0157 Providing that Resolution (Intro. No. 250 of 2011), Entitled “Amending Resolution 437 of 1989 to Amend Lease and Operating Agreement with Monroe County Airport Authority to Add the Property Commonly Known as 545 Ballantyne Road, Town of Chili, New York,” Be Tabled
25. Cassetti & Daniele
Intro. 252
Res. 184
29-0
11-0157 Fixing a Public Hearing on Resolution (Intro. No. 250 of 2011), Entitled “Amending Resolution 437 of 1989 to Amend Lease and Operating Agreement with Monroe County Airport Authority to Add the Property Commonly Known as 545 Ballantyne Road, Town of Chili, New York”
(Public Hearing is Scheduled for Tuesday, July 12, 2011 at 6:16 p.m.)

26. Daniele & Yolevich
Intro. 253
Res. 185
29-0
- 11-0158 Directing the Refund of Certain Monroe County Taxes Levied and Collected Against Property in Town of Perinton
Ways and Means Committee; May 25, 2011, CV – 11-0
27. Daniele & Yolevich
Intro. 254
Res. 186
29-0
- 11-0159 Approving 2011-2012 Operating and Capital Budgets for Cultural Center Commission
Ways and Means Committee; May 25, 2011, CV – 11-0
28. Daniele & Yolevich
Intro. 255
Res. 187
29-0
- 11-0160 Mortgage Tax Distribution
Ways and Means Committee; May 25, 2011, CV – 11-0
29. Cassetti & Daniele
Intro. 256
- 11-0162 Amending Local Law No. 3 of 1997, Entitled “Local Law Authorizing Lease by Monroe County of 42 East Avenue, City of Rochester, For Appellate Division Court Facilities and Agreement with New York State Appellate Division – Fourth Department and Unified Court System” to Include 5,800 Sq. Ft. of Office Space Located at 45 East Avenue
(For Introductory Purposes Only)
30. Cassetti & Daniele
Intro. 257
M. 61
29-0
- 11-0162 Providing that Local Law (Intro. No. 256 of 2011), Entitled ‘Amending Local Law No. 3 of 1997, Entitled “Local Law Authorizing Lease by Monroe County of 42 East Avenue, City of Rochester, For Appellate Division Court Facilities and Agreement with New York State Appellate Division – Fourth Department and Unified Court System” to Include 5,800 Sq. Ft. of Office Space Located at 45 East Avenue,’ Be Tabled
31. Cassetti & Daniele
Intro. 258
Res. 188
29-0
- 11-0162 Fixing a Public Hearing on Local Law (Intro. No. 256 of 2011), Entitled ‘Amending Local Law No. 3 of 1997, Entitled “Local Law Authorizing Lease by Monroe County of 42 East Avenue, City of Rochester, For Appellate Division Court Facilities and Agreement with New York State Appellate Division – Fourth Department and Unified Court System” to Include 5,800 Sq. Ft. of Office Space Located at 45 East Avenue’
(Public Hearing is Scheduled for Tuesday, July 12, 2011 at 6:17 p.m.)

UNFINISHED BUSINESS

Upon Motion by Legislator E. Daniel Quatro, the Legislature adjourned at 7:32 p.m. until Tuesday, July 12, 2011 at 6:00 p.m.

CHERYL M. ROZZI
Clerk of the Legislature