

**FIFTH DAY**

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**TUESDAY, MAY 12, 2009**

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Legislature met pursuant to adjournment.

President Wayne E. Zyra in the Chair.

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**ROLL CALL**

Present — Legislators Adair, Andrews, Barker, Beebe, Bronson, Cassetti, Colby, Cruz, Daniele, Dobson, Driscoll, Esposito, Eckel, Gamble, Gumina, Haney, Hanna, Heider, Kaleh, LaFountain, Lee, Lightfoot, McCann, O'Brien, Quatro, Tucciarello, Valerio, Yolevich, Zyra – 29

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Meeting formally opened. At the invitation of Legislator Mark J. Cassetti, Father Thomas Wheeland, of Holy Cross Catholic Church, delivered the invocation. The Pledge of Allegiance to the Flag was led by Legislator Anthony J. Daniele.

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**APPROVAL OF MINUTES**

Without objection, the journal of the session of Day 4 of 2009, April 14, 2009 was approved as submitted.

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**PETITIONS AND COMMUNICATIONS**

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**PROCLAMATIONS**

**By the President of the Legislature – Wayne E. Zyra**

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**Recognized Jointly with Legislator John G. (Jack) Driscoll "Richard Buckley" as the recipient of the prestigious 2009 Harris Fellow Award.**

Read and Filed.

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**Recognized Jointly with Legislator John G. (Jack) Driscoll "Henrietta Volunteer Ambulance Service, Inc." for their commitment to our local community and being awarded the 2008 Agency Of The Year.**

Read and Filed.

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**Recognized Jointly with Legislator R. Anthony LaFountain "The Penfield Girls Varsity Basketball Team" on a victorious 2008-2009 season.**

Read and Filed.

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**Recognized Jointly with Legislator Edward O'Brien "Antoinette Johnson" for her hard work and outstanding achievement.**

Read and Filed.

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Recognized Jointly with Legislators E. Daniel Quatro and Carmen F. Gumina “Webster Thomas Titans Hockey Team” for their hard work and outstanding achievement.

Read and Filed.

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Recognized Jointly with Legislators Calvin Lee, Jr. and Cynthia W. Kaley “The New York Office of the National Center for Missing and Exploited Children” for its deep dedication to the safety of area children.

Read and Filed.

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Recognized Jointly with Legislator Cynthia W. Kaley “Nazareth Academy Basketball Team” for their hard work and outstanding achievement.

Read and Filed.

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Recognized Jointly with Legislator Willie J. Lightfoot “Stacey Shells & True North Preparatory Charter School” for outstanding academic achievement.

Read and Filed.

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Recognized Jointly with Legislator José A. Cruz “Dr. Ralph Pennino and InterVol” for more than exceptional service to the global community and those in need.

Read and Filed.

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#### FORMAL COMMITTEE REPORTS

*NONE*

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#### PUBLIC FORUM

An Open Forum was conducted to allow speakers to address the Legislature. Sixty-nine speakers addressed the Legislature on various subjects and the Open Forum concluded at 8:40 P.M.

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#### RECESS

A recess was declared by President Zyra to allow for a meeting of the **Pure Waters Administrative Board**.

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#### RECONVENING LEGISLATURE

President Zyra reconvened the recessed meeting of May 12, 2009 and proceeded under the Usual Order of Business.

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#### MOTIONS, RESOLUTIONS AND NOTICES

Intro. 141  
M. 26

Quatro/Bronson  
Move Agenda as a Whole Except for Item Nos. 5, 26 and 27.

29-0

1. Barker, Daniele & LaFountain  
Intro. 142  
Res. 117  
29-0  
09-0128  
Accepting Grant From New York State Division Of Criminal Justice Services; Authorizing Intermunicipal Agreement With Wheatland-chili Central School District For School Resource Officer Program  
Public Safety Committee; April 27, 2009 – CV: 8-0  
Intergovernmental Relations Committee; April 28, 2009 – CV: 5-0  
Ways and Means Committee; April 29, 2009 – CV: 11-0
2. Barker & LaFountain  
Intro. 143  
Res. 118  
29-0  
09-0129  
Accepting Grant From New York State Division Of Criminal Justice Services For Stop Violence Against Women Program  
Public Safety Committee; April 27, 2009 – CV: 8-0  
Ways and Means Committee; April 29, 2009 – CV: 11-0
3. Barker & LaFountain  
Intro. 144  
Res. 119  
29-0  
09-0130  
Accepting Grant From New York State Division Of Criminal Justice Services For Juvenile Accountability Incentive Block Grant, Enhanced Supervision Program  
Public Safety Committee; April 27, 2009 – CV: 8-0  
Ways and Means Committee; April 29, 2009 – CV: 11-0
4. Valerio & LaFountain  
Intro. 145  
Res. 120  
29-0  
09-0131  
Authorizing Dedication of 19 Parcels Of Land To Monroe County Parks System  
Recreation and Education Committee; May 6, 2009 – CV: 5-0  
Ways and Means Committee; April 29, 2009 – CV: 11-0
6. Cassetti & LaFountain  
Intro. 146  
Res. 121  
29-0  
09-0133  
Authorizing Contracts With Michael A. Ferrauilo Plumbing And Heating, Inc., Connors-Haas, Inc., And LeClaire-Fleming Mechanical Contractors, Inc. For Construction Services or Irondequoit Bay South Central Pure Waters District's McEwen Drive Pump Station Improvements Project  
Environment and Public Works Committee; April 29, 2009 – CV: 7-0  
Ways and Means Committee; April 29, 2009 – CV: 11-0
7. Cassetti & LaFountain  
Intro. 147  
09-0135  
Approving An Increase And Improvement Of Facilities In The Rochester Pure Waters District  
Environment and Public Works Committee; April 29, 2009 - CV: 7-0  
Ways and Means Committee; April 29, 2009 – CV: 11-0  
*(For Introductory Purposes Only)*
8. Cassetti & LaFountain  
Intro. 148  
M. 27  
29-0  
09-0135  
Providing That Resolution (Intro. No. 147 Of 2009), Entitled "Approving An Increase And Improvement Of Facilities In The Rochester Pure Waters District," Be Tabled
9. Cassetti & LaFountain  
Intro. 149  
Res. 122  
29-0  
09-0135  
Calling A Public Hearing For The Purpose Of Considering A Proposed Increase And Improvement Of Facilities In The Rochester Pure Waters District In The County Of Monroe, New York  
*(Public Hearing is scheduled for Tuesday, June 9, 2009 at 6:15 P.M.)*
10. Cassetti & LaFountain  
Intro. 150  
09-0137  
Approving An Increase And Improvement Of Facilities In The Irondequoit Bay South South Central Pure Waters District  
Environment and Public Works Committee; April 29, 2009 - CV: 7-0  
Ways and Means Committee; April 29, 2009 - CV: 11-0  
*(For Introductory Purposes Only)*
11. Cassetti & LaFountain  
09-0137  
Providing That Resolution (Intro. No. 150 Of 2009), Entitled "Approving An Increase And Improvement Of Facilities In The Irondequoit Bay South Central Pure Waters

- Intro. 151  
M. 28  
29-0
- District," Be Tabled
12. Cassetti & LaFountain Intro. 152 Res. 123 29-0 09-0137 Calling A Public Hearing For The Purpose Of Considering A Proposed Increase And Improvement Of Facilities In The Irondequoit Bay South Central Pure Waters District In The County Of Monroe, New York  
*(Public Hearing is scheduled for Tuesday, June 9, 2009 at 6:16 P.M.)*
13. Cassetti & LaFountain Intro. 153 09-0139 Approving An Increase And Improvement Of Facilities In The Northwest Quadrant Pure Waters District  
Environment and Public Works Committee; April 29, 2009 - CV: 7-0  
Ways and Means Committee; April 29, 2009 - CV: 11-0  
*(For Introductory Purposes Only)*
14. Cassetti & LaFountain Intro. 154 M. 29 29-0 09-0139 Providing That Resolution (Intro. No. 153 Of 2009), Entitled "Approving An Increase And Improvement Of Facilities In The Northwest Quadrant Pure Waters District," Be Tabled
15. Cassetti & LaFountain Intro. 155 Res. 124 29-0 09-0139 Calling A Public Hearing For The Purpose Of Considering A Proposed Increase And Improvement Of Facilities In The Northwest Quadrant Pure Waters District In The County Of Monroe, New York  
*(Public Hearing is scheduled for Tuesday June 9, 2009 at 6:17 P.M.)*
16. Cassetti & LaFountain Intro. 156 09-0141 Approving An Increase And Improvement Of Facilities In The Gates-Chili-Ogden Sewer District  
Environment and Public Works Committee; April 29, 2009 - CV: 7-0  
Ways and Means Committee; April 29, 2009 - CV: 11-0  
*(For Introductory Purposes Only)*
17. Cassetti & LaFountain Intro. 157 M. 30 29-0 09-0141 Providing That Resolution (Intro. No.156 Of 2009), Entitled "Approving An Increase And Improvement Of Facilities In The Gates-Chili-Ogden Sewer District," Be Tabled
18. Cassetti & LaFountain Intro. 158 Res. 125 29-0 09-0141 Calling A Public Hearing For The Purpose Of Considering A Proposed Increase And Improvement Of Facilities In The Gates-Chili-Ogden Sewer District In The County Of Monroe, New York  
*(Public Hearing is scheduled for Tuesday, June 9, 2009 at 6:18 P.M.)*
19. Cassetti & LaFountain Intro. 159 Res. 126 29-0 09-0143 Amending 2009 Operating Budget Of Department Of Aviation To Provide Funding For Green Energy Initiatives Project; Authorizing Filing Of Applications With And Accepting Grant Funding From New York State Energy Research And Development Authority; And Any Other Public Utility Energy Program, For Energy Incentive Awards; Authorize Contract With Clough Harbour & Associates, LLP For Design And Construction Management Services For Green Energy Initiatives Project At Greater Rochester International Airport  
Environment and Public Works Committee; April 29, 2009 - CV: 7-0  
Ways and Means Committee; April 29, 2009 - CV: 11-0
20. Cassetti & LaFountain Intro. 160 Res. 127 29-0 09-0144 Authorizing Contract With Clough Harbour & Associates, LLP For Design Services For Taxiway H Improvements - Phase I Project At Greater Rochester International Airport  
Environment and Public Works Committee; April 29, 2009 - CV: 7-0  
Ways and Means Committee; April 29, 2009 - CV: 11-0

21. Cassetti & LaFountain  
Intro. 161  
Res. 128  
29-0
- 09-0144 br. Resolution Authorizing The Issuance Of \$6,500,000 Bonds By The County Of Monroe, New York, To Finance The Cost Of The Reconstruction Of Portions Of Taxiway H From Taxiway A North To The North Ramp At Greater Rochester International Airport, In And For Said County, And Superseding The Bond Resolution Adopted On January 9, 2007 (Resolution No. 40 Of 2007)  
Environment and Public Works Committee; April 29, 2009 - CV: 7-0  
Ways and Means Committee; April 29, 2009 - CV: 11-0
22. Colby & LaFountain  
Intro. 162  
Res. 129  
29-0
- 09-0145 Authorizing Contract For Engineering Services With Dewberry-Goodkind, Inc. For Replacement Of Honeoye Falls Road #6 Culvert At Honeoye Creek Tributary In Town Of Rush  
Transportation Committee; April 28, 2009 - CV: 8-0  
Ways and Means Committee; April 29, 2009 - CV: 11-0
23. Colby & LaFountain  
Intro. 163  
Res. 130  
29-0
- 09-0146 Authorizing Contract For Engineering Services With Ravi Engineering And Land Surveying, P.C. For Replacement Of Pinnacle Road Culverts At Honeoye Creek Tributary In Town Of Rush  
Transportation Committee; April 29, 2009 - CV: 8-0  
Ways and Means Committee; April 29, 2009 - CV: 11-0
24. LaFountain & Barker  
Intro. 164  
Res. 131  
29-0
- 09-0147 Directing Correction, Cancellation And Levy Of Certain Monroe County Taxes In Towns Of Greece And Irondequoit  
Ways and Means Committee; April 29, 2009 - CV: 11-0
25. LaFountain & Barker  
Intro. 165  
Res. 132  
29-0
- 09-0149 Approving Submission Of Substantial Amendment To 2008 Annual Action Plan For Housing And Community Development In Suburban Monroe County For Submission To U.S. Department Of Housing And Urban Development  
Ways and Means Committee; April 29, 2009 - CV: 11-0
5. Adair & Valerio  
Intro. 166  
Intro. 167  
M. 31  
14-15F
- 09-0132 Adopting Ellison Park Area Master Plan Update  
Recreation and Education Committee; May 6, 2009 - CV: 3-2 (As Amended)
- Gumina/Gamble (*Amendment 1*)  
Motion to Amend File No. 09-0132 to read:

Be It Moved that the Ellison Park Area Master Plan Update described in Referral No. 09-0132 is hereby amended as follows:

1) Delete the sentence "Open natural surface trails in Tryon Park to off-road cycling" and replace it with "Create a designated off-road cycling trail system to be separate from the hiking/pedestrian use trails. The Monroe County Legislature shall decide, following the completion of the 24.18 month evaluation period, whether to keep designated trails in Tryon Park open to off-road cycling." Under Descriptions in Item #6 of the Ellison Park Area Master Plan Updates Recommendations for Tryon Park (Chart 1, Sheet 7).

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

- Intro. 168  
M. 32  
14-15F
- O'Brien/Esposito (*Amendment 2*)  
Motion to Amend File No. 09-0132 to read:
- Be It Moved that the Ellison Park Area Master Plan Update described in Referral No. 09-0132 is hereby amended as follows:
- 1) Delete Item #4, "Shared-Use Bicycle Trail," of the Ellison Park Area Master Plan Recommendations for Irondequoit Bay Park West (Chart 1, Sheet 6).
- Updates
- (Legislators Bronson, Andrews, Beebe, Cruz, Eckel, Esposito, Gamble, Gumina, Haney, Heider, Kaleh, Lee, Lightfoot and O'Brien voted in the positive)*
- Intro. 169  
M. 33  
14-15F
- Esposito/O'Brien (*Amendment 3*)  
Motion to Amend File No. 09-0132 to read:
- Be It Moved that the Ellison Park Area Master Plan Update described in Referral No. 09-0132 is hereby amended as follows:
- 1) Insert the sentence "Biking and/or Mountain Biking will not be permitted in Irondequoit Bay Park West until three-months following the successful conclusion of the trial period at Tryon Park" under Description in Item #4 of the Ellison Park Area Master Plan Updates Recommendations for Irondequoit Bay Park West (Chart 1, Sheet 6).
- (Legislators Bronson, Andrews, Beebe, Cruz, Eckel, Esposito, Gamble, Gumina, Haney, Heider, Kaleh, Lee, Lightfoot and O'Brien voted in the positive)*
- Intro. 170  
M. 34  
14-15F
- Esposito/O'Brien (*Amendment 4*)  
Motion to Amend File No. 09-0132 to read:
- Be It Moved that the Ellison Park Area Master Plan Update described in Referral No. 09-0132 is hereby amended as follows:
- 1) Delete the word "Med" and replace it with "High" under Priority in Item #2 of the Ellison Park Area Master Plan Updates Recommendations for Irondequoit Bay Park West (Chart 1, Sheet 6).
- West
- 2) Insert the phrase "Setting a priority to improve Bay Front South Road" after the phrase "Make Improvements to Surface conditions of Existing Roads" under Description in Item of the Ellison Park Area Master Plan Updates Recommendations for Irondequoit Bay Park West (Chart 1, Sheet 6).
- #2
- 3) Insert the sentences "Establish an Intermunicipal Agreement with the Town of Irondequoit for the continued maintenance of existing roads in Irondequoit Bay Park Revenues from existing marina agreements may be used to cover the costs of such under Notes in Item #2 of the Ellison Park Area Master Plan Updates Irondequoit Bay Park West (Chart 1, Sheet 6).
- West.  
services"  
Recommendations for
- (Legislators Bronson, Andrews, Beebe, Cruz, Eckel, Esposito, Gamble, Gumina, Haney, Heider, Kaleh, Lee, Lightfoot and O'Brien voted in the positive)*
- Intro. 171  
M. 35  
14-15F
- O'Brien/Esposito (*Amendment 5*)  
Motion to Amend File No. 09-0132 to read:
- Be It Moved that the Ellison Park Area Master Plan Update described in Referral No. 09-0132 is hereby amended as follows:
- 1) Delete Item #6, "New Trail Connection" from the Ellison Park Area Master Plan Updates Recommendations for Irondequoit Bay Park West (Chart 1, Sheet 6).

*(Legislators Bronson, Andrews, Beebe, Cruz, Eckel, Esposito, Gamble, Gumina, Haney, Heider, Kaleh, Lee, Lightfoot and O'Brien voted in the positive)*

Intro. 172  
M. 36

Hanna/O'Brien *(Amendment 6)*  
Motion to Amend File No. 09-0132 to read:

Be It Moved that the Ellison Park Area Master Plan Update described in Referral No. 09-0132 is hereby amended as follows:

1) Item #6 to delete "med" and replace with "low"

2) Amend Item #6, "New Trail Connection" to read New Trail Connection, with the installation of a traffic control device in the Ellison Park Area Master Plan Updates Recommendations for Irondequoit Bay Park West (Chart 1, Sheet 6).

Intro. 173  
M. 37  
21-8

Eckel/Bronson *(Amendment 7 to Amendment 6)*  
Motion to Amend Intro. No. 172 as follows:

2) Amend Item #6, "New Trail Connection" to delete "**with...**" and replace with "**contingent upon**" installation of a traffic control device" in the Ellison Park Area Master Plan Updates Recommendations for Irondequoit Bay Park West (Chart 1, Sheet 6).

*(Legislators Quatro, Adair, Cassetti, Dobson, Driscoll, LaFountain, McCann and Yolevich voted in the negative)*

*Note: President Zyra declared a brief recess.*

Intro. 172  
M. 36  
24-5 (As Amended)

Hanna/O'Brien *(Amendment 6)*  
Motion to Amend File No. 09-0132 to read:

Be It Moved that the Ellison Park Area Master Plan Update described in Referral No. 09-0132 is hereby amended as follows:

1) Item #6 to delete "med" and replace with "low"

2) Amend Item #6, "New Trail Connection" to read "New Trail Connection, contingent upon the installation of a traffic control device in the Ellison Park Area Master Plan Recommendations for Irondequoit Bay Park West (Chart 1, Sheet 6).

Updates

*(Legislators Adair, Dobson, Driscoll, LaFountain and McCann voted in the negative)*

Intro. 174  
M. 38  
14-15F

Heider/Haney/Bronson *(Amendment 8)*  
Motion to Amend File No. 09-0132 to read:

1) Delete Item #6, "Re-open Access Road," from the Ellison Park Area Mater Plan Updates Recommendations for Ellison Park (Chart 1, Sheet 3).

*(Legislators Bronson, Andrews, Beebe, Cruz, Eckel, Esposito, Gamble, Gumina, Haney, Heider, Kaleh, Lee, Lightfoot and O'Brien voted in the positive)*

Intro. 166  
Res. 133 (As Amended by M. 36 and 37)  
16-13

Main Motion  
*(Legislators Bronson, Andrews, Beebe, Eckel, Esposito, Gamble, Gumina, Haney, Heider, Kaleh, Lee, Lightfoot and O'Brien voted in the negative)*

26. LaFountain & 09-0185 a. Requesting The Assembly Of The State Of New York Pursuant To Article IX Of The

Barker  
Intro. 175  
Taxes  
Relation To The  
Monroe  
Certain  
29-0  
Foreclosure  
Res. 134  
Constitution To Enact Into Law Assembly Bill No. A.5303-C Entitled, "An Act To Amend The Monroe County Tax Act, In Relation To The Assessment, Levy And Collection Of In Monroe County; To Amend The Monroe County Tax Foreclosure Act, In Foreclosure Of Tax Liens In Monroe County; To Repeal Certain Provisions Of The County Tax Act, Relating To The Collection Of Taxes In Such County; To Repeal Provisions Of The Monroe County Tax Foreclosure Act, Relating To Certain Foreclosure Actions; And To Repeal Certain Provisions Of The Monroe County In Rem Tax Act, Relating To The Filing Of Affidavits"  
Matter Of Urgency

27. LaFountain & 09-0185 s.  
Barker  
Intro. 176  
Taxes  
Relation To The  
Monroe  
Certain  
29-0  
Foreclosure  
Res. 135  
Requesting The Senate Of The State Of New York Pursuant To Article IX Of The Constitution To Enact Into Law Senate Bill No. S.2408-D Entitled, "An Act To Amend The Monroe County Tax Act, In Relation To The Assessment, Levy And Collection Of In Monroe County; To Amend The Monroe County Tax Foreclosure Act, In Foreclosure Of Tax Liens In Monroe County; To Repeal Certain Provisions Of The County Tax Act, Relating To The Collection Of Taxes In Such County; To Repeal Provisions Of The Monroe County Tax Foreclosure Act, Relating To Certain Foreclosure Actions; And To Repeal Certain Provisions Of The Monroe County In Rem Tax Act, Relating To The Filing Of Affidavits"  
Matter of Urgency

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**UNFINISHED BUSINESS**

*NONE*

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Upon Motion by Legislator E. Daniel Quatro, the Legislature adjourned at 11:45 P.M. until Tuesday, June 9, 2009 at 6:00 p.m.

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**LISA POLITO NICOLAY**  
Clerk of the Legislature