

FIFTH DAY

TUESDAY, May 14, 2013

Legislature met pursuant to adjournment.

President Jeffrey R. Adair in the Chair.

ROLL CALL

Present — Legislators Adair, Ancello, Andrews, Antelli, Barker, Bauroth, Boyce, Carbone, Colby, Daniele, Drawe, Gamble, Gumina, Haney, Hanna, Howland, Kaleh, J. Lightfoot, W. Lightfoot, McCann, Micciche, Morelle Jr., Patterson, Quatro, Rockow, Tucciarello, Valerio, Wilcox, Yolevich— 29

Meeting formally opened. At the invitation of Legislator Ciaran Hanna, Deacon John Pattison of Church of the Assumption delivered the invocation. The Pledge of Allegiance to the Flag was led by Legislator Debbie Drawe.

IN MEMORIAMs

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| 32. Daniele &
Andrews
Intro. 152
Res. 112
29-0 | 13-0145 | Expressing Regret of the Monroe County Legislature on the Recent Passing of Joel Brockmyre, Brother-in-Law of Vice President Michael G. Barker
Matter of Urgency |
| 33. Daniele &
Andrews
Intro. 155
Res. 113
29-0 | 13-0146 | Expressing Regret of the Monroe County Legislature on the Recent Passing of William J. Wise, Father-in-Law of President Jeffrey R. Adair
Matter of Urgency |
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APPROVAL OF MINUTES

Without objection, the Journal of the Session of Day 4, April 9, 2013 was approved as submitted.

President Adair recognized Mark Quinn, Horticulturalist for the Parks Department, who introduced the Plant of the Month, the *New Guinea Impatiens* to the Legislature.

PETITIONS AND COMMUNICATIONS

President Adair recognized Greece Police Chief Todd Baxter in the Audience.

PROCLAMATIONS

By the President of the Legislature — Jeffrey R. Adair

Proclaimed Jointly with County Executive Maggie Brooks, Legislators Carmen Gumina, E. Daniel Quatro and Rick Antelli “Joseph Hofstetter, Ted Scardino and John Ritter.”

Read and Filed.

Proclaimed Jointly with County Executive Maggie Brooks, Legislator Steve Tucciarello “Monroe County Sheriff’s Office SWAT Team for their heroic efforts in West Webster on December 24, 2012.

Read and Filed.

Proclaimed Jointly with County Executive Maggie Brooks, Legislators Mike Rockow and Robert J. Colby “Noah Pererira” on winning the 2013 Junior Iditarod.

Read and Filed.

Recognized Jointly with Legislators Stephen Tucciarello and Mary Valerio “Grace Tillinghast.”

Read and Filed.

Recognized Jointly with Legislators E. Daniel Quatro and Debbie Drawe “Raymond J. Griswold” for bringing the “Books of the World” Program to the Pen-Web Rotary and the Entire Monroe County Community.

Read and Filed.

Recognized Jointly with Legislator Joseph D. Morelle Jr. “Irondequoit Community Cupboard, Inc” for their tireless efforts to serve residents of Irondequoit in need of emergency assistance.

Read and Filed.

PRESENTATION

Mr. Don Jefferies, President and CEO of VisitRochester presented an overview of the organization to the Full Legislature.

FORMAL COMMITTEE REPORTS

None

PUBLIC FORUM

An Open Forum was conducted to allow speakers to address the Legislature. Six speakers addressed the Legislature and the Open Forum concluded at 6:45 P.M.

RECESS

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

CONSIDERATION OF LOCAL LAWS

1. Quatro & McCann
Intro. 156
M. 28
29-0
13-0106 LL Providing that Local Law (Intro. No. 126 of 2013), Entitled “Enacting a Local Law Authorizing Sale by Public Auction of Three Parcels of County Owned Real Property Including Improvements in the City of Rochester” Be Lifted from the Table

2. Quatro & McCann
Intro. 157
M. 29
19-10
Intro. 126
Local Law TBA
19-10
13-0106 LL Providing that Local Law (Intro. No. 126 of 2013), Entitled “Enacting a Local Law Authorizing Sale by Public Auction of Three Parcels of County Owned Real Property Including Improvements in the City of Rochester” Be Adopted

Main Motion
(Legislators Andrews, Bauroth, Gamble, Haney, Kaleb, J. Lightfoot, W. Lightfoot, Morelle Jr., Patterson, Wilcox voted in the negative)

3. Quatro & McCann
Intro. 158
13-0140 LL Enacting a Local Law Authorizing Sale of Surplus Property on Mohawk Drive in Town of Webster, New York to John Casciani
(For Introductory Purposes Only)

4. Quatro & McCann
Intro. 159
M. 30
29-0
13-0140LL Providing that Local Law (Intro. No. 158 of 2013), Entitled “Enacting a Local Law Authorizing Sale of Surplus Property on Mohawk Drive in Town of Webster, New York to John Casciani” Be Tabled

5. Quatro & McCann
Intro. 160
Res. 115
29-0
13-0140 LL Fixing a Public Hearing on Local Law (Intro. No. 158 of 2013), Entitled “Enacting a Local Law Authorizing Sale of Surplus Property on Mohawk Drive in Town of Webster, New York to John Casciani”
(Public Hearing is scheduled for Tuesday, June 11, 2013 at 6:15 p.m.)

MOTIONS, RESOLUTIONS AND NOTICES

6. Howland & Yolevich
Intro. 161
Res. 116
29-0
13-0129 Authorizing Contract with CHA Consulting, Inc. for Rehabilitate and Reconstruct Engineered Material Arresting System at West End of Runway 10 -28 Project at Greater Rochester International Airport
Environment and Public Works Committee; April 24, 2013 – CV: 7-0
Ways and Means Committee; April 24, 2013 – CV: 9-0

7. Yolevich & Howland
Intro. 162
Res. 117
29-0
13-0129.br Resolution Authorizing the Issuance of \$7,000,000 Bonds of the County of Monroe, New York, to Finance the Cost to Rehabilitate and Reconstruct the Engineered Material Arresting System (EMAS) at the West End of Runway 10-28, at the Greater Rochester International Airport in and for Said County, at an Estimated Maximum Cost of \$7,000,000 and Superseding the Bond Resolution Adopted on December 11, 2012 (Resolution No. 292 of 2012)

8. Howland & Yolevich
Intro. 163
Res. 118
29-0
13-0141 Authorizing Contracts with Villager Construction, Inc., and Blackmon-Farrell Electric, Inc., for Construction Services for Rochester Pure Waters District Frank E. VanLare Wastewater Treatment Plant Primary Tank Improvement Project – Phase II
Environment and Public Works Committee; April 24, 2013 – CV: 7-0
Ways and Means Committee; April 24, 2013 – CV: 9-0

9. Howland & Yolevich
Intro. 164
Res. 119
29-0
13-0141.br Resolution Authorizing the Issuance of \$5,700,000 Bonds of the County of Monroe, New York, to Finance Part of the Cost of Improvements to Primary Tanks of the Rochester Pure Waters District Frank E. VanLare Waste Water Treatment Plant, in and for Said County, at an Estimated Maximum Cost of \$6,926,000 and Superseding the Bond Resolution Adopted on April 17, 2012 (Resolution No. 90 of 2012)
10. Boyce, Hanna & Yolevich
Intro. 165
Res 120
28-1
13-0116 Authorizing Intermunicipal Agreement with Rush-Henrietta Central School District for Purchase of Fuel for Vehicles of Monroe County Sheriff's Office
Intergovernmental Relations Committee; April 24, 2013 – CV: 5-0
Public Safety Committee; April 22, 2013 – CV: 9-0
Ways and Means Committee; April 24, 2013 – CV: 9-0
(Legislator Patterson voted in the negative)
11. Hanna & Yolevich
Intro. 166
Res. 121
29-0
13-0117 Accepting Grant from New York State Division of Homeland Security and Emergency Services for Round 2 Statewide Interoperable Communications Grant Program
Public Safety Committee; April 22, 2013 – CV: 9-0
Ways and Means Committee; April 24, 2013 – CV: 9-0
12. Colby & Yolevich
Intro. 167
Res. 122
29-0
13-0118 Approving Official Monroe County Road Map
Transportation Committee; April 23, 2013 – CV: 7-0
Ways and Means Committee; April 24, 2013 – CV: 9-0
13. Drawe & Yolevich
Intro. 168
Res. 123
29-0
13-0119 Accepting Grant from University of Rochester Medical Center for School Located Influenza Vaccinations for Children: Community-Wide Dissemination Program
Human Services Committee; April 23, 2013 – CV: 7-0
Ways and Means Committee; April 24, 2013 – CV: 9-0
14. Drawe & Yolevich
Intro. 169
Res. 124
29-0
13-0120 Accepting Grant from JBS International, Inc. for Evidence Based Adult Immunization and HPV Health Projects Program
Human Services Committee; April 23, 2013 – CV: 7-0
Ways and Means Committee; April 24, 2013 – CV: 9-0
15. Drawe & Yolevich
Intro. 170
Res. 125
29-0
13-0121 Accepting Grant from New York State Office for the Aging for Health Care Fraud Prevention Expansion & Senior Medicare Patrol Building Grant; Authorizing Contract with Lifespan of Greater Rochester, Inc.
Human Services Committee; April 23, 2013 – CV: 7-0
Ways and Means Committee; April 24, 2013 – CV: 9-0
16. Drawe & Yolevich
Intro. 171
Res. 126
29-0
13-0122 Accepting Grant from New York State Office for the Aging for Elder Abuse Prevention and Interventions Program; Authorizing Contract with Lifespan of Greater Rochester, Inc.
Human Services Committee; April 23, 2013 – CV: 7-0
Ways and Means Committee; April 24, 2013 – CV: 9-0
17. Howland & Yolevich
Intro. 172
Res. 127
29-0
13-0123 Authorizing Contracts with Building Innovation Group, Inc., Kaplan-Schmidt Electric, Inc., Emcor Services Betlem and Nairy Mechanical, LLC, for Construction Services for Monroe County Correctional Facility Addition and Renovation Project
Environment and Public Works Committee; April 24, 2013 – CV: 7-0
Ways and Means Committee; April 24, 2013 – CV: 9-0
18. Hanna & Yolevich
Intro. 173
Res. 128
29-0
13-0124 Authorizing Energy Conservation Improvements at Monroe County Correctional Facility
Public Safety Committee; April 22, 2013 – CV: 9-0
Ways and Means Committee; April 24, 2013 – CV: 8-1

19. Howland & Yolevich
Intro. 174
Res. 129
29-0
13-0125 Authorizing Energy Conservation Improvements at Frank E. VanLare Wastewater Treatment Plant and Northwest Quadrant Wastewater Treatment Environment and Public Works Committee; April 24, 2013 – CV: 7-0
Ways and Means Committee; April 24, 2013 – CV: 8-1
20. Howland & Yolevich
Intro. 175
Res. 130
29-0
13-0127 Authorizing Annual Glycol Permits with Fixed Base Operators and Other Entities that Store and/or Apply Glycol at Greater Rochester International Airport Environment and Public Works Committee; April 24, 2013 – CV: 7-0
Ways and Means Committee; April 24, 2013 – CV: 9-0
21. Howland & Yolevich
Intro. 176
Res. 131
29-0
13-0128 Amending Resolution 240 of 2007 to Amend Lease Agreement with United States Department of Homeland Security, Transportation Security Administration, for Lease of Space at Greater Rochester International Airport Environment and Public Works Committee; April 24, 2013 – CV: 7-0
Ways and Means Committee; April 24, 2013 – CV: 9-0
22. Howland & Yolevich
Intro. 177
Res. 132
29-0
13-0130 Authorizing Contract with Passero Associates for Design Services for North Ramp Rehabilitation Project at Greater Rochester International Airport Environment and Public Works Committee; April 24, 2013 – CV: 7-0
Ways and Means Committee; April 24, 2013 – CV: 9-0
23. Colby & Yolevich
Intro. 178
Res. 133
29-0
13-0131 Authorizing Abandonment and Transfer of Portion of Surplus Highway Right-of-Way at Fetzner Road in Town of Greece Transportation Committee; April 23, 2013 – CV: 7-0
Ways and Means Committee; April 24, 2013 – CV: 9-0
24. Yolevich & Howland
Intro. 179
Res. 134
29-0
13-0132 Authorizing Contract to Sell County Owned Tax Foreclosure Property Located on Highland Avenue in Town of Brighton Ways and Means Committee; April 24, 2013 – CV: 9-0
25. Yolevich & Howland
Intro. 180
Res. 135
29-0
13-0133 Authorizing Contract to Sell County Owned Tax Foreclosure Property Located at 849 Peck Road in Town of Parma Ways and Means Committee; April 24, 2013 – CV: 9-0
26. Yolevich & Howland
Intro. 181
Intro. 182
M. 31
10-19 F
13-0134 Directing the County Treasurer to Cause to be Published and Printed in the Daily Record the List of Lands Charged with Unpaid Taxes, Pursuant to Chapter 441 of the Laws of 1938, as Amended Ways and Means Committee; April 24, 2013 – CV: 6-3

Patterson/Bauroth

Motion to Amend Intro. 181 of 2013 as follows:

I recommend that Your Honorable Body, in accordance with Section 18 of the Monroe County Tax Act, authorize the County Treasurer to publish in The Daily Record the list of lands with unpaid taxes and to charge a fee of \$7.00 to cover the cost of the publications, which will be added to the unpaid amounts due for such parcel. In addition, I will direct the Department of Communications to post the list of lands with unpaid taxes on the County's website (www.monroecounty.gov), and notice thereof will be provided to the local news media.

To comply with the provisions of Section 18, a list of lands charged with unpaid taxes must be published and printed annually. Such publication should take place on August 15, 2013, together with a notice that each tax sale certificate will be sold on August 20,

2013, in the County Treasury. In addition to the publication of the list of lands, a notice of said publication calling the attention of the public and all persons interested that a list of lands charged with unpaid taxes will be available and the notice shall be published in the Rochester Democrat and Chronicle ~~The Rochester Business Journal~~ for four (4) ~~consecutive weeks~~ and in The Daily Record for thirty (30) days prior to August 1.

The specific legislative action required is to direct the County Treasurer to publish in The Daily Record the list of lands charged with unpaid taxes, and the notice of publication of the list in both The Daily Record and the Rochester Democrat and Chronicle ~~The Rochester Business Journal~~, and to authorize the charge of \$7.00 per parcel for such publications.

Funding is included in the 2013 operating budget of the Department of Finance, fund 9001, funds center 1205010000, Treasury. No additional net County support is required in the current Monroe County Budget.

I recommend that this matter be referred to the appropriate committee(s) for favorable action by Your Honorable Body.

(Legislators Andrews, Bauroth, Gamble, Haney, Kaleb, J. Lightfoot, W. Lightfoot, Morelle Jr., Patterson and Wilcox Voted in the Positive)

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| Intro. 181
Res. 136
20-9 | | Main Motion
<i>(Legislators Andrews, Bauroth, Gamble, Kaleb, J. Lightfoot, W. Lightfoot, Morelle Jr., Patterson and Wilcox Voted in the Negative)</i> |
| 27. Yolevich &
Howland
Intro. 183
Res. 137
29-0 | 13-0135 | Authorizing Contract with Wahl Media for Handicapped Parking Radio and Television Media Campaign
Ways and Means Committee; April 24, 2013 – CV: 9-0 |
| 28. Quatro &
McCann
Intro. 184
Res. 138
23-6 | 13-0136 | Confirming Appointment to Greater Rochester Sports Authority
Agenda Charter Committee; April 22, 2013 – CV: 5-0 |
| 29. Quatro &
McCann
Intro. 185
Res. 139
29-0 | 13-0137 | Confirming Appointment to Monroe County Board of Ethics
Agenda Charter Committee; April 22, 2013 – CV: 5-0 |
| 30. Quatro &
McCann
Intro. 186

Intro. 187
M. 32
29-0 | 13-0138 | Confirmation of Appointments and Reappointments to Monroe County Airport Authority
Agenda Charter Committee; April 22, 2013 – CV: 3-2

Quatro/McCann, Yolevich, Andrews, Gamble and Patterson
Motion to Sever the Four Appointments into 13-0138.a, 13-0138.b, 13-0138.c and 13-0138.d |
| Quatro &
McCann
Intro. 188
Res. 140
21-8 | 13-0138.a | Confirmation of Charles Henry Stuart to Monroe County Airport Authority
<i>(Legislators Andrews, Haney, Kaleb, J. Lightfoot, W. Lightfoot, Morelle Jr., Patterson and Wilcox voted in the negative)</i> |

- Quatro & McCann
Intro. 189
Res. 141
22-7
- 13-0138.b Confirmation of John J. Perrone, Jr. to Monroe County Airport Authority
(Legislators Andrews, Gamble, Haney, W. Lightfoot, Morelle Jr., Patterson and Wilcox voted in the negative)
- Quatro & McCann
Intro. 190
Res. 142
29-0
- 13-0138.c Confirmation of Stephen Tucciarello to Monroe County Airport Authority
- Quatro & McCann
Intro. 191
9-20 F
- 13-0138.d Confirmation of Willie Joe Lightfoot to Monroe County Airport Authority
(Legislators Andrews, Bauroth, Gamble, Haney, Kaleh, J. Lightfoot, Morelle Jr., Patterson and Wilcox voted in the positive)
31. Quatro & McCann
Intro. 192
Res. 143
29-0
- 13-0139 Confirming Appointment and Reappointment to Region 8 Fish and Wildlife Management Board
Agenda Charter Committee; April 22, 2013 – CV: 5-0

Matters of Urgency

34. Drawe & Quatro
Intro. 193
- 13-0175 Confirmation of Appointments to the Monroe Community Hospital Board

Legislator Colby raised a Point of Order regarding questions raised by Legislator Andrews. President Adair ruled that the questions were Out of Order. Legislator Andrews Moved and Legislator Wilcox Seconded an Appeal of the Ruling of the Chair, and it was Sustained by the following vote:

Ayes - Legislators Tucciarello, Ancello, Antelli, Barker, Boyce, Carbone, Colby, Daniele, Drawe, Gumina, Hanna, Howland, McCann, Micciche, Ouatro, Rockow, Valerio, Yolevich, and President Adair – 19

Noes - Legislators Andrews, Bauroth, Gamble, Haney, Kaleh, J. Lightfoot, W. Lightfoot, Morelle Jr., Patterson and Wilcox – 10

Legislator Tucciarello raised a Point of Order regarding questions raised by Legislator Andrews. President Adair ruled that the questions were Out of Order. Legislator Andrews Moved and Legislator Wilcox Seconded an Appeal of the Ruling of the Chair, and it was Sustained by the following vote:

Ayes - Legislators Tucciarello, Ancello, Antelli, Barker, Boyce, Carbone, Colby, Daniele, Drawe, Gumina, Hanna, Howland, McCann, Micciche, Ouatro, Rockow, Valerio, Yolevich, and President Adair – 19

Noes - Legislators Andrews, Bauroth, Gamble, Haney, Kaleh, J. Lightfoot, W. Lightfoot, Morelle Jr., Patterson and Wilcox – 10

Intro. 193
Res. 144
29-0

Main Motion

35. Yolevich & Howland
Intro. 194
Res. 145
29-0
- 13-0176.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.4702 Entitled “An Act to Amend the Tax Law, in Relation to the Imposition of Sales and Compensating Use Taxes by the County of Monroe”

36. Yolevich & Howland
Intro. 195
Res. 146
29-0
- 13-0177.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.6754 Entitled "An Act to Amend the Tax Law, in Relation to the Imposition of Sales and Compensating Use Taxes by the County of Monroe"
- Intro. 153
M. 27
29-0
- Quatro/Yolevich
Motion to Discharge 13-0087 from Committee
37. Quatro, Yolevich & Wilcox
Intro. 154
Res. 114
29-0
- 13-0087 Establishing a Temporary Committee to Review Charter and Administrative Code
38. Quatro & McCann
Intro. 196
- 13-0178 Confirmation of Appointments to the Charter Review Committee

President Adair Declared a Recess

- Intro. 197
M. 33
10-19 F
- Andrews/Kaleh
Motion to Table Intro No. 196 of 2013
Legislators Andrews, Bauroth, Gamble, Haney, Kaleh, J. Lightfoot, W. Lightfoot, Morelle Jr., Patterson, Wilcox voted in the positive)
- Intro. 196
Res. 147
19-10
- Main Motion
(Legislators Andrews, Bauroth, Gamble, Haney, Kaleh, J. Lightfoot, W. Lightfoot, Morelle Jr., Patterson, Wilcox voted in the negative)
39. Hanna & Quatro
Intro. 198
Res. 148
19-10
- 13-0179 Confirmation of Appointment to the Monroe County Fire Advisory Board
(Legislators Andrews, Bauroth, Gamble, Haney, Kaleh, J. Lightfoot, W. Lightfoot, Morelle Jr., Patterson, Wilcox voted in the negative)

UNFINISHED BUSINESS

Upon Motion by Legislator Tucciarello, the Legislature adjourned at 9:33 p.m. until Tuesday, June 11, 2013 at 6:00 p.m.

CHERYL M. ROZZI
Clerk of the Legislature