

SECOND DAY

TUESDAY, FEBRUARY 1, 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 Vincent Esposito, Father Norm Tanck, Pastor of Blessed Kateri Tekakwitha Parish at Christ the King Church delivered the invocation. The Pledge of Allegiance to the Flag was led by Legislator Calvin Lee Jr. President Adair recognized Mark Quinn, Horticulturist from the Parks Department, who introduced the Plant of the Month, the Cyclamen, to the Legislature.

IN MEMORIAM

24. Quatro & O'Brien Intro. 42 Res. 37 29-0	11-0044	Expressing Regret Of The Monroe County Legislature On The Recent Passing Of Douglas P. Rockow Matter of Urgency
---	---------	--

APPROVAL OF MINUTES

Without objection, the journal of the session of Day 1 of 2011, January 11, 2011 was approved as submitted.

PETITIONS AND COMMUNICATIONS

PROCLAMATIONS AND PRESENTATIONS

By the President of the Legislature — Jeffrey R. Adair

Proclaimed Jointly with County Executive Maggie Brooks, “Christopher Patino and Mustafa Said” for their heroic actions when they were needed most.

Read and Filed.

Presentation from Josephine M. Perini from the Rochester International Council, who presented County Executive Maggie Brooks and President Adair with a Certificate of Appreciation to Monroe County from the Office of International Visitors and the U.S. Department of State Bureau of Educational and Cultural Affairs in Recognition for their exceptional contribution to the Rochester International Council and the Department of State’s International Visitor Leadership Program by sharing their time and professional experience with international visitors leadership program participants.

Read and Filed.

Recognized Jointly with Legislators Carmen F. Gumina, and E. Daniel Quatro, “The Webster Marching Band” on their impressive first-place victory at the National Outback Bowl Festival.
Read and Filed.

Recognized Jointly with Legislator Willie Joe Lightfoot, “Urban Fellows, Frank Colarutolo, Erica Messner, and David Wituszynski” for their work supporting the revitalization of the Jefferson Avenue Neighborhood.
Read and Filed.

Recognized Jointly with Legislator Cynthia Kaleh, “The Notre Dame Learning Center” for their dedication to educating the young and impoverished members of our community.
Read and Filed.

Recognized Jointly with Legislator Cynthia Kaleh, “Jefferson High School Interact Club” for their dedication to local and International Service, and for bringing recognition to the area, on the occasion of their one-year anniversary.
Read and Filed

FORMAL COMMITTEE REPORTS

NONE

PUBLIC FORUM

An Open Forum was conducted to allow speakers to address the Legislature. Eight speakers addressed the Legislature and the Open Forum concluded at 7:03 P.M.

Vice President Barker Assumed the Chair

Legislator Heider left the Chamber and was not present for the remainder of the meeting.

President Adair Returned

CONSIDERATION OF MOTIONS, RESOLUTIONS AND NOTICES

- | | | |
|---------------------------------------|---------|--|
| 1. Yolevich &
Howland
Intro. 43 | 11-0002 | Appointments to Legislative District Revision Commission
Agenda Charter Committee; January 24, 2011, CV – 3-2 |
| Intro. 44
M. 6 | | Esposito/O’Brien
Motion to Amend Intro No. 43 of 2011 to read as follows: |

Section 1. To strike the following:

~~“Section 1. Pursuant to Section C2-12 of the Monroe County Charter, I hereby recommend the appointment of the following persons to the Legislative District Revision Commissions:~~

~~Jeffery R. Adair, President of the Monroe County Legislature
Legislator E. Daniel Quatro, Majority Leader
Legislator Edward M. O’Brien, Minority Leader or his designee
Peter M. Quinn, Monroe County Elections Commissioner
Thomas F. Ferrarese, Monroe County Election Commissioner~~

~~Section 2.—The Commission shall study the official Census datae, which is expected to become available on or about March 25, 2011 and as required by the Charter, make recommendations to the Legislature in the form of a proposed local as to changes in the boundaries of legislative districts, within three months after the appointment of the Commission.~~

~~Section 3.—This resolution will have no impact on the revenue of expenditures of the current Monroe County Budget.”~~

Section 2. To insert the following:

Section 1. Schedule and hold a public hearing on the attached proposed local law.

Section 2. Enact the following amendment to the Monroe County Charter”

‘Section 1. Section §C2-12C of the Monroe County Charter is amended to read:

§ C2-12C. Reapportionment procedures and standards.

(1) The County Legislature shall appoint a Legislative District Revision Commission to evaluate the existing legislative districts for equity and representation in relation to population within six months by March 1st of the year following a regular federal census or within three months after the publication of the results of each regular federal census taken in the County, whichever occurs first; or within six months after the publication of the results of any County-wide federal or special population census, taken pursuant to § 20 of the General Municipal Law of the State of New York, and held not more often than once every five years; or after any annexation which has the effect of increasing or decreasing the population of any legislative district by more than 10%.

(2) Such Commission shall consist of the eight members, who shall serve without compensation, appointed as follows: of the County Board of Elections, the President of the County Legislature and one person selected by the legislative members of each legally constituted political party represented on the County Legislature.

(a) The two Commissioners of the Monroe County Board of Elections; and

(b) Two retired judges, one to be appointed by the Majority Leader of the Monroe County Legislature and one to be appointed by the Minority Leader of the Monroe County Legislature; and

(c) Two representatives recommended by a publicly recognized organization committed to the principles of voters' rights and/ or the advancement of public policy, one to be appointed by the Majority Leader of the Monroe County Legislature and one to be appointed by the Minority Leader of the Monroe County Legislature. "Publicly recognized organization committed to the principles of voters' rights and/ or public policy" shall mean any group, organization, association, or other entity, legally incorporated at least two years prior to the formation of the Commission, and established for the purposes of advocating on behalf of voters' rights, and/ or the advancement of public policy. Notwithstanding the foregoing, any political committee, as defined in Article 14 of New York Election Law, shall not be considered a publicly recognized organization committed to the principles of voters' rights and/ or the advancement of public policy; and

(d) Two representatives of a publicly recognized minority organization, one to be appointed by the Majority Leader of the Monroe County Legislature and one to be appointed by the Minority Leader of the Monroe County Legislature. "Publicly recognized minority organization" shall mean any group, organization, association, or other entity, legally incorporated at least two years prior to the formation of the Commission, and established for the purposes of advocating on behalf of any race, creed, color, sex, gender, or national origin that did not constitute fifty percent or more of the Monroe County population as measured by the immediately preceding census. Notwithstanding the foregoing, any political committee, as defined in Article 14 of New York Election Law, shall not be considered a publicly recognized minority organization; and

(e) The chairperson of the Commission shall be elected by five affirmative votes of the members of the Commission.

(3) Except for individuals appointed pursuant to sections C2-12C(2)(a) and C2-12C(2)(b), the following classes of individuals shall not be eligible to serve as members of the Commission:

(a) Individuals who currently serve or have served in the immediately preceding 10 years in any elected federal, state or local partisan office; or

(b) Individuals who currently hold or have held any political party position or any political party officer, above the office of committee person, whether by election, appointment, or otherwise, during the immediately preceding five years; or

(c) Individuals who have served as a paid consultant retained by any candidate for partisan office or political party in the immediately preceding 10 years; or

(d) Individuals who are the parent, child, sibling, or spouse of any member of the Monroe County Legislature or any political party officer, above the office of committee person.

~~(3)~~ (4) The Commission shall study the population data and within three months after appointment or by April 30th whichever occurs first, make recommendations, if necessary, in the form of a proposed local law as to changes in the boundaries of legislative districts. Such local law shall provide:

(a) For substantially equal weight, with a maximum of one percent deviation between district populations, for all the voters in the allocation of representation in the Monroe County Legislative body; and

(b) To the extent practicable and in the interest of ensuring equal representation, no town, except a town having more than one hundred and one percent of a full ratio for each representative, shall be divided in the formation of representation areas; and

1. When a Town must be divided, consideration shall be given to existing boundaries such as hamlets, subdivisions and neighborhood association boundaries

(c) That no village shall be divided in the formation of representation areas; and

(d) To the greatest extent possible and in the interest of ensuring equal representation, no historic neighborhood in the City of Rochester shall be divided in the formation of representation areas.

~~(4)~~ (5) In its deliberations to redesign the legislative districts, the Commission shall comply with the equal protection clauses of the Fourteenth Amendment of the United States Constitution and Article I, §§ 1 and 11, of the New York State Constitution. Further, legislative districts shall be of compact and contiguous territory to the extent possible in as compact form as practicable. Voter registration data or information shall not be considered in the formation or approval of the proposed local law.

~~(5)~~ (6) Within three ~~two~~ months after the submission of the report of the Commission, which shall be submitted to the County Legislature in the form of a proposed local law, the Legislature shall conduct a public hearing on the proposed changes, if any, and shall then enact by majority vote approve or disapprove a of the local law setting forth revised district boundaries as proposed by the commission, subject to such permissive referendum as may be required pursuant to applicable state law.

~~(6)~~ (7) If such local law is defeated by referendum, or is finally declared invalid by a court of competent jurisdiction, the Legislative District Revision Commission shall be reactivated to study and prepare a new proposed local law for submission to the County Legislature at least 150 days prior to the next general election, subject to the same procedures and requirements as provided above.

(8) Five members of the Commission shall constitute a quorum for the purposes of conducting the business of the Commission.

(9) Five affirmative votes of the Commission shall be required to adopt and submit a proposed local law to the County Legislature.

(10) The Commission shall hold regular meetings and keep a record of all of its proceedings, with special meetings to be called by the Chairperson upon his or her own initiative or upon receipt of a written request signed by at least four members of the Commission. Written notice of the time and place of such special meetings shall be given to each member at least four days before the date fixed by the notice for such special meeting. In addition to any other requirements imposed by law, the proceedings of the Commission shall be conducted in accordance with the current edition of Robert's Rules of Order.

(11) All clerical services involving the month-to-month operation of the Commission, as well as supplies and postage as necessary, shall be provided by the professional staff of the bipartisan Board of Elections. The Commission may request, receive, and utilize such facilities, resources, and data of any department, office, or agency of Monroe County as it may reasonably request to properly carry out its powers and duties.

(12) The Commission shall conduct at least two public hearings within the County of Monroe for the purpose of obtaining necessary information or other data from the public. At least one hearing shall be held prior to the Commission beginning work on the reapportionment plan. At least one hearing shall be held following the completion of the draft reapportionment plan, but prior to any vote by the Commission to adopt the final plan. The time and place of each public hearing shall be published in the official County papers at least five days before the date fixed for such hearing. The Commission is authorized to take such other actions as it deems necessary and appropriate to encourage substantial and diverse public input during the public hearings.

(13) The Commission shall expire, and the terms of its members terminate, 30 days after a local law is adopted pursuant to Section C2-12C of the Monroe County Charter, at which time the Commission shall deposit all the records of the proceedings with the Clerk of the Legislature.

(14) All vacancies in the membership of the Reapportionment Commission shall be filled in the manner provided for their original appointment.

Section 2. *If any clause, sentence, paragraph, section or article of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such determination shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or article thereof directly involved in the proceeding in which such adjudication shall have been rendered.*

Section 3. *The clerk of the Monroe County Legislature is hereby authorized and directed to cause a copy of the foregoing local law to be published in the county's official newspapers.*

***Section 4.** This local law shall take effect immediately upon filing with the Secretary of State pursuant to Section 27 of the New York State Municipal Home Rule Law after approval by the electors of the County of Monroe in accordance with the requirements for conducting a referendum at the next General Election.’*

This proposed local law will have no impact on the revenues and/or expenditures of the current Monroe County Budget.

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

Legislator Quatro raised a Point of Order regarding the Amendment Intro. No. 44. President Adair ruled that Amendment Intro. No. 44 was Out of Order. Legislator Esposito made a Motion to Appeal the Ruling of the Chair, and it was Sustained by the following vote:

Ayes - Legislators Quatro, Antelli, Barker, Cassetti, Colby, Daniele, Drawe, Gumina, Hanna, Howland, McCann, Rockow, Tucciarello, Valerio, Yolevich, and President Adair – 16

Noes - Legislators O’Brien, Andrews, Bauroth, Beebe, Eckel, Esposito, Gamble, Haney, Kaleh, Lee, Lightfoot, and Maneiro – 12

Intro. 45
M. 7

Andrews/Esposito
Motion to Amend Intro No. 43 of 2011 to read as follows:

Section 1. To insert the following:

“Section 1. Pursuant to Section C2-12 of the Monroe County Charter, I hereby recommend the appointment of the following persons to the Legislative District Revision Commissions:

Jeffery R. Adair, President of the Monroe County Legislature
Legislator E. Daniel Quatro, Majority Leader
Legislator Edward M. O’Brien, Minority Leader or his designee
Peter M. Quinn, Monroe County Elections Commissioner
Thomas F. Ferrarese, Monroe County Election Commissioner
Legislator Vincent J. Esposito, Conservative Party representative
Legislator Carrie M. Andrews, Independence Party representative
Legislator Willie Joe Lightfoot, Working Families Party representative

Section 2. The Commission shall study the official Census date, which is expected to become available on or about March 25, 2011 and as required by the Charter, make recommendations to the Legislature in the form of a proposed local as to changes in the boundaries of legislative districts, within three months after the appointment of the Commission.

Section 3. This resolution will have no impact on the revenue of expenditures of the current Monroe County Budget.”

Legislator Quatro raised a Point of Order regarding the Amendment Intro. No. 45. President Adair ruled that Amendment Intro. No. 45 was Out of Order. Legislator Esposito made a Motion to Appeal the Ruling of the Chair, and it was Sustained by the following vote:

Ayes - Legislators Quatro, Antelli, Barker, Cassetti, Colby, Daniele, Drawe, Gumina, Hanna, Howland, McCann, Rockow, Tucciarello, Valerio, Yolevich, and President Adair – 16

Noes - Legislators O’Brien, Andrews, Bauroth, Beebe, Eckel, Esposito, Gamble, Haney, Kaleh, Lee, Lightfoot, and Maneiro – 12

- Intro. 46
M. 8
12-16 F
O'Brien/Eckel
Motion to Recommit Intro No. 43 of 2011 to the Agenda Charter Committee.
(Legislators O'Brien, Andrews, Bauroth, Beebe, Eckel, Esposito, Gamble, Haney, Kaleh, Lee, Lightfoot and Maneiro voted in the positive)
- Intro. 43
Res. 38
15-13
Main Motion
(Legislators O'Brien, Andrews, Bauroth, Beebe, Eckel, Esposito, Gamble, Gumina, Haney, Kaleh, Lee, Lightfoot and Maneiro voted in the negative)
2. Hanna & Daniele
Intro. 47
Res. 39
28-0
11-0004
Accepting Grant from New York State Division of Criminal Justice Services for Motor Vehicle Theft and Insurance Fraud Prevention Program (Sheriff's Office)
Public Safety Committee; January 24, 2011, CV – 9-0
Ways and Means Committee; January 26, 2011, CV - 11-0
3. Antelli & Hanna,
Daniele
Intro. 48
Res. 40
28-0
11-0005
Authorizing Intermunicipal Agreements with Ten Municipalities for STOP-DWI Law Enforcement Program
Intergovernmental Relations Committee; January 25, 2011, CV - 5-0
Public Safety Committee; January 24, 2011, CV – 9-0
Ways and Means Committee; January 26, 2011, CV - 11-0
4. Antelli & Hanna,
Daniele
Intro. 49
Res. 41
28-0
11-0006
Authorizing Intermunicipal Agreements with Other Counties for Forensic Laboratory Services Provided by Monroe County Public Safety Laboratory
Intergovernmental Relations Committee; January 25, 2011, CV - 5-0
Public Safety Committee; January 24, 2011, CV – 9-0
Ways and Means Committee; January 26, 2011, CV - 11-0
5. Hanna & Daniele
Intro. 50
Res. 42
28-0
11-0007
Accepting Grant from New York State Division of Criminal Justice Services for Firearm Laboratory Backlog Reduction Initiative
Public Safety Committee; January 24, 2011, CV – 9-0
Ways and Means Committee; January 26, 2011, CV - 11-0
6. Hanna & Daniele
Intro. 51
Res. 43
28-0
11-0008
Accepting Grant from New York State Division of Homeland Security and Emergency Services for Companion Animal Sheltering Equipment Grant Program; Authorizing Regional Partnership Agreement Among Monroe County, Livingston County, City of Rochester and Humane Society of Greater Rochester
Public Safety Committee; January 24, 2011, CV – 9-0
Ways and Means Committee; January 26, 2011, CV - 11-0
7. Hanna & Daniele
Intro. 52
Res. 44
28-0
11-0009
Accepting Grant from New York State Division of Homeland Security and Emergency Services for State Homeland Security Program; Authorizing Contracts with Monroe Community College, Richard J. Watts, Inc. and University of Rochester
Public Safety Committee; January 24, 2011, CV – 9-0
Ways and Means Committee; January 26, 2011, CV - 11-0
8. Hanna & Daniele
Intro. 53
Res. 45
28-0
11-0010
Accepting Grant from New York State Division of Homeland Security and Emergency Services for Urban Area Security Initiative Program; Authorizing Contracts with Monroe Community College and Rochester Institute of Technology
Public Safety Committee; January 24, 2011, CV – 9-0
Ways and Means Committee; January 26, 2011, CV - 11-0
9. Hanna & Daniele
Intro. 54
Res. 46
28-0
11-0011
Accepting Grant from New York State Division of Homeland Security and Emergency Services for State Law Enforcement Terrorism Prevention Program
Public Safety Committee; January 24, 2011, CV – 9-0
Ways and Means Committee; January 26, 2011, CV - 11-0

10. Hanna & Drawe, Valerio
Intro. 55
Res. 47
28-0
11-0012 Accepting Grant from New York State Division of Criminal Justice Services for Stop Violence Against Women Program
Public Safety Committee; January 24, 2011, CV – 9-0
Ways and Means Committee; January 26, 2011, CV - 11-0
11. Hanna & Daniele
Intro. 56
Res. 48
28-0
11-0013 Accepting Grant from New York State Division of Criminal Justice Services for Motor Vehicle Theft and Insurance Fraud Prevention Program (District Attorney's Office)
Public Safety Committee; January 24, 2011, CV – 9-0
Ways and Means Committee; January 26, 2011, CV - 11-0
12. Hanna & Daniele
Intro. 57
Res. 49
28-0
11-0014 Accepting Gift from New York County District Attorney's Office for Use in Investigation and Prosecution of Crimes Involving Criminal Possession of Illegal Weapons
Public Safety Committee; January 24, 2011, CV – 9-0
Ways and Means Committee; January 26, 2011, CV - 11-0
13. Yolevich & Howland
Intro. 58
Res. 50
28-0
11-0015 Confirmation of Reappointment to Monroe County Board of Health
Agenda Charter Committee; January 24, 2011, CV – 5-0
14. Valerio & Cassetti, Daniele
Intro. 59
Res. 51
28-0
11-0016 Accepting Environmental Protection Fund Round 10 Grant from New York State Department of Environmental Conservation for Durand-Eastman Park Infiltration Basin Project; Authorizing Contract with Lu Engineers for Professional Services for Project
Recreation and Education Committee; January 25, 2011, CV – 5-0
Environment and Public Works Committee; January 26, 2011, CV - 6-0
Ways and Means Committee; January 26, 2011, CV - 11-0
15. Colby & Daniele
Intro. 60
Res. 52
28-0
11-0017 Authorizing Amended and Restated Host Community Agreement with Town of Riga, New York for Continuation of Benefits
Environment and Public Works Committee; January 26, 2011, CV – 5-1
Ways and Means Committee; January 26, 2011, CV – 10-1
16. Antelli & Drawe, Daniele
Intro. 61
Res. 53
28-0
11-0018 Authorizing Intermunicipal Agreements with Other Counties for Services Provided by Monroe County Medical Examiner's Office
Intergovernmental Relations Committee; January 25, 2011, CV - 5-0
Human Services Committee; January 25, 2011, CV – 6-0
Ways and Means Committee; January 26, 2011, CV - 11-0
17. Drawe & Daniele
Intro. 62
Res. 54
28-0
11-0019 Authorizing Contract with eClinical Works for Electronic Medical Record/Practice Management System for Monroe County Pediatrics and Community Visitation Center Project
Human Services Committee; January 25, 2011, CV – 6-0
Ways and Means Committee; January 26, 2011, CV - 11-0
18. Drawe & Daniele
Intro. 63
Res. 55
28-0
11-0020 Accepting Grant from New York State Department of Health for Support of Nurse-Family Partnership Program; Amending Resolution 312 of 2010 to Increase Contracts with Visiting Nurse Service of Rochester and Monroe County, Inc., Coordinated Care Services, Inc. and Nurse-Family Partnership (National Service Office)
Human Services Committee; January 25, 2011, CV – 6-0
Ways and Means Committee; January 26, 2011, CV - 11-0
19. Colby & Daniele
Intro. 64
Res. 56
28-0
11-0021 Authorizing Advertisement for Bids for East Ridge Road Improvement Project in Town of Irondequoit
Transportation Committee; January 26, 2011, CV – 9-0
Ways and Means Committee; January 26, 2011, CV – 11-0

20. Colby & Daniele
Intro. 65
Res. 57
28-0
- 11-0022 Authorizing Advertisement for Bids for Edgemere Drive Bridge over Round Pond Outlet Project in Town of Greece
Transportation Committee; January 26, 2011, CV – 9-0
Ways and Means Committee; January 26, 2011, CV – 11-0
21. Colby & Daniele
Intro. 66
Res. 58
28-0
- 11-0023 Authorizing Contracts with Keeler Construction Co., Inc. for Construction Services and Ravi Engineering and Land Surveying, P.C. for Resident Project Representation Services for Jackson Road and Stone Road Project in Towns of Penfield, Webster, Henrietta and Pittsford
Transportation Committee; January 26, 2011, CV – 9-0
Ways and Means Committee; January 26, 2011, CV - 11-0
22. Colby & Gumina
Intro. 67
Res. 59
28-0
- 11-0023br. Resolution Authorizing the Issuance of \$3,332,000 Bonds of the County of Monroe, New York, to Finance the Cost of the Reconstruction of Various Highways, Including but not Limited to Milling, Resurfacing and Improving Drainage, Edge treatments, Shoulders and Roadway Condition, In and for Said County, At an Estimated Maximum Cost of \$3,332,000 and Superseding the Bond Resolution Adopted on March 9, 2010 (Resolution No. 56 of 2010)
Transportation Committee; January 26, 2011, CV – 9-0
Ways and Means Committee; January 26, 2011, CV - 11-0
23. Cassetti & Colby
Intro. 68
Res. 60
23-5
- 11-0024 Confirmation of Appointment of the Director of Aviation
Environment and Public Works Committee; January 26, 2011, CV - 6-0
(Legislators Esposito, Haney, Lee, Lightfoot and Maniero voted in the negative)

UNFINISHED BUSINESS

Upon Motion by Legislator E. Daniel Quatro, the Legislature adjourned at 8:25 p.m. until Tuesday, March 8, 2011 at 6:00 p.m.

CHERYL M. ROZZI
Clerk of the Legislature