SECOND DAY

TUESDAY, February 12, 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, Hanna, Howland, Kaleh, J. Lightfoot, W. Lightfoot, McCann, Micciche, Morelle, Patterson, Quatro, Rockow, Tucciarello, Valerio, Wilcox, Yolevich— 27

Absent – Legislators Gumina and Haney— 2

Note: Legislator Gumina entered the Chambers during the Consideration of Local Laws and was present for the remainder of the meeting.

Meeting formally opened. At the invitation of Legislator Joseph D. Morelle, Jr., Reverend Robert T. Werth of Saint Augustine Parish delivered the invocation. The Pledge of Allegiance to the Flag was led by Legislator Joshua P. Bauroth.

APPROVAL OF MINUTES

Without objection, the Journal of the Session of Day 1, January 8, 2013 was approved as submitted.

PETITIONS AND COMMUNICATIONS

None

President Adair recognized Town of Chili Supervisor David Dunning.

President Adair recognized Mark Quinn, Horticulturalist for the Parks Department, who introduced the Plant of the Month, the Kalanchoe to the Legislature.

PROCLAMATIONS

By the President of the Legislature — Jeffrey R. Adair

Proclaimed Jointly with County Executive Maggie Brooks Legislators Mary A. Valerio, Karla F. Boyce and Jeffery L. McCann “Jason Elliotto, Scott Miller, Dave Saur and Chuck Kaiser” for the bravery they displayed while saving the lives of four individuals from a house fire in Chili.

Read and Filed.

Recognized Jointly with Legislators John J. Howland and Karla F. Boyce “Kenneth Hann” on his 18th year of successfully organizing the Mendon Ponds Winterfest.

Read and Filed.
Recognized Jointly with Legislators Debbie Drew and E. Daniel Quatro “Shannon Case” for his heroic fight against cancer and being a role model for our community.
Read and Filed.

Read and Filed.

FORMAL COMMITTEE REPORTS
None

PUBLIC FORUM
An Open Forum was conducted to allow speakers to address the Legislature. Fifteen speakers addressed the Legislature and the Open Forum concluded at 7:08 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. Tucciarello & Antelli
Intro. 19
13-004 LL Local Law Entitled “Prohibiting the Sale, Use or Possession of Synthetic Drugs and Other Similar Compounds”
(For Introductory Purposes Only)

2. Tucciarello & Antelli
Intro. 20
M. 5
27-0
13-004 LL Providing that Local Law (Intro. No. 19of 2013), Entitled “Prohibiting the Sale, Use or Possession of Synthetic Drugs and Other Similar Compounds” Be Tabled

3. Tucciarello & Antelli
Intro. 21
13-004 LL Fixing a Public Hearing on Local Law (Intro. No. 19 of 2013), Entitled “Prohibiting the Sale, Use or Possession of Synthetic Drugs and Other Similar Compounds”
(Public Hearing is scheduled for Tuesday, March 12, 2013 at 6:15 p.m.)

Intro. 22
Patterson/Bauroth
M. 6
Motion to Amend Item No. 3 Entitled Prohibiting the Sale, Use or Possession of Synthetic Drugs and Other Similar Compounds” as follows:

Ruled Out of Order

Section 2: The Clerk of the Legislature is directed to give notice of the time and place of this public hearing, and a description of the proposed local law, to the news media within the County, and shall conspicuously post a copy of said notice in the office of the Clerk at least five days before said hearing. In addition, the Clerk shall cause said notice to be publishing once in the official newspapers of general circulation within the County at least five days before said hearing.
President Adair ruled that the Amendment was Out of Order. Legislator Willie Lightfoot Moved and Legislator John Lightfoot Seconded a Motion to Appeal the Ruling of the Chair. The President’s ruling was Sustained by the following vote:

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


Note: Legislator Gumina entered the Chambers and was present for the remainder of the meeting.

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**MOTIONS, RESOLUTIONS AND NOTICES**

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<td>Yolevich &amp; McCann 13-0003</td>
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18. Drawe & Yolevich
13-0019 Amending Resolution 295 of 2011 to Increase Professional Services Contracts for Monroe County Office of Mental Health, Socio-Legal Center
Intro. 37 Human Services Committee; January 29, 2013 – CV: 8-0
Res. 29 Ways and Means Committee; January 30, 2013 – CV: 10-0

19. Howland, Hanna & Yolevich
13-0020 Authorizing Cooperative Agreement with United States Department of Homeland Security, Transportation Security Administration, for Law Enforcement Personnel Reimbursement at Greater Rochester International Airport
Intro. 38 Environment and Public Works Committee; January 30, 2013 – CV: 6-0
Res. 30 Public Safety Committee; January 28, 2013 – CV: 8-0
Ways and Means Committee; January 30, 2013 – CV: 10-0

20. Howland & Yolevich
13-0021 Authorizing Contract with CHA Consulting, Inc. for Design Services for Tunnel Lighting Retrofit Project at Greater Rochester International Airport
Intro. 39 Environment and Public Works Committee; January 30, 2013 – CV: 6-0
Res. 31 Ways and Means Committee; January 30, 2013 – CV: 10-0

21. Howland & Yolevich
13-0022 Amending Resolution 101 of 2011 to Increase and Extend Contract with Rochester Institute of Technology Center for Integrated Manufacturing Studies to Expand the Community-Based Biofuel Program
Intro. 40 Environment and Public Works Committee; January 30, 2013 – CV: 6-0
Res. 32 Ways and Means Committee; January 30, 2013 – CV: 10-0
(Legislator Bauroth declared his interest prior to the vote)

22. Howland & Yolevich
13-0023 Accepting Grant from New York State Pollution Prevention Institute’s Community Grant Program for Pharmaceutical Collection Program Outreach Education
Intro. 41 Environment and Public Works Committee; January 30, 2013 – CV: 6-0
Res. 33 Ways and Means Committee; January 30, 2013 – CV: 10-0

23. Howland & Yolevich
13-0024 Approving Increase and Improvement of Facilities in Gates-Chili-Ogden Sewer District- General Collection System Improvements
Intro. 42 Environment and Public Works Committee; January 30, 2013 – CV: 6-0
Ways and Means Committee; January 30, 2013 – CV: 10-0
(For Introductory Purposes Only)

24. Howland & Yolevich
13-0024 Providing that Resolution (Intro. No. 42 of 2013), Entitled “Approving Increase and Improvement of Facilities in Gates-Chili-Ogden Sewer District- General Collection System Improvements,” Be Tabled
Intro. 43 M. 7

25. Howland & Yolevich
13-0024 Calling a Public Hearing for the Purpose of Considering a Proposed Increase and Improvement of Facilities in Gates-Chili-Ogden Sewer District- General Collection System Improvements
Intro. 44 (Public Hearing is scheduled for Tuesday, March 12, 2013 at 6:16 p.m.)
Res. 34
Ways and Means Committee; January 30, 2013 – CV: 10-0
(For Introductory Purposes Only)

26. Howland & Yolevich
13-0026 Approving Increase and Improvement of Facilities in Irondequoit Bay South Central Pure Waters District – General Pump Station and Interceptor Improvements
Intro. 45 Environment and Public Works Committee; January 30, 2013 – CV: 6-0
Ways and Means Committee; January 30, 2013 – CV: 10-0
(For Introductory Purposes Only)

27. Howland & Yolevich
13-0026 Providing that Resolution (Intro. No. 45 of 2013), Entitled “Approving Increase and Improvement of Facilities in Irondequoit Bay South Central Pure Waters District – General Pump Station and Interceptor Improvements,” Be Tabled
Intro. 46 M. 8

28. Howland & Yolevich
Intro. 47
Res. 35
28-0
Calling a Public Hearing for the Purpose of Considering a Proposed Increase and Improvement of Facilities in Irondequoit Bay South Central Pure Waters District – General Pump Station and Interceptor Improvements
/Public Hearing is scheduled for Tuesday, March 12, 2013 at 6:17 p.m./

29. Howland & Yolevich
Intro. 48
Res. 36
28-0
Approving Increase and Improvement of Facilities in Northwest Quadrant Pure Waters District – General Pump Station and Interceptor Improvements
(For Introductory Purposes Only)

30. Howland & Yolevich
Intro. 49
M. 9
28-0
Providing that Resolution (Intro. No. 48 of 2013), Entitled “Approving Increase and Improvement of Facilities in Northwest Quadrant Pure Waters District – General Pump Station and Interceptor Improvement,” Be Tabled

31. Howland & Yolevich
Intro. 50
Res. 36
28-0
Calling a Public Hearing for the Purpose of Considering a Proposed Increase and Improvement of Facilities in Northwest Quadrant Pure Waters District – General Pump Station and Interceptor Improvements
/Public Hearing is scheduled for Tuesday, March 12, 2013 at 6:18 p.m./

32. Howland & Yolevich
Intro. 51
Res. 37
28-0
Approving Increase and Improvement of Facilities in Rochester Pure Waters District – Combined Sewer Overflow Abatement Program (CSOAP) Pedestrian Bridge Improvements
(For Introductory Purposes Only)

33. Howland & Yolevich
Intro. 52
M. 10
28-0
Providing that Resolution (Intro. No. 51 of 2013), Entitled “Approving Increase and Improvement of Facilities in Rochester Pure Waters District – Combined Sewer Overflow Abatement Program (CSOAP) Pedestrian Bridge Improvements,” Be Tabled

34. Howland & Yolevich
Intro. 53
Res. 37
28-0
Calling a Public Hearing for the Purpose of Considering a Proposed Increase and Improvement of Facilities in Rochester Pure Waters District – Combined Sewer Overflow Abatement Program (CSOAP) Pedestrian Bridge Improvements
/Public Hearing is scheduled for Tuesday, March 12, 2013 at 6:19 p.m./

35. Howland & Yolevich
Intro. 54
Res. 38
28-0
Approving Increase and Improvement of Facilities in Rochester Pure Waters District – Combined Sewer Overflow Abatement Program (CSOAP) Tunnel System Improvements
(For Introductory Purposes Only)

36. Howland & Yolevich
Intro. 55
M. 11
28-0
Providing that Resolution (Intro. No. 54 of 2013), Entitled “Approving Increase and Improvement of Facilities in Rochester Pure Waters District – Combined Sewer Overflow Abatement Program (CSOAP) Tunnel System Improvements,” Be Tabled

37. Howland & Yolevich
Intro. 56
Res. 38
28-0
Calling a Public Hearing for the Purpose of Considering a Proposed Increase and Improvement of Facilities in Rochester Pure Waters District – Combined Sewer Overflow Abatement Program (CSOAP) Tunnel System Improvements
/Public Hearing is scheduled for Tuesday, March 12, 2013 at 6:20 p.m./
38. Drawe & Yolevich
   Intro. 57
   Res. 39
   28-0
   Accepting Grant from New York State Office of Temporary and Disability Assistance for 2012-2013 Home Energy Assistance Program
   Human Services Committee; January 29, 2013 – CV: 8-0
   Ways and Means Committee; January 30, 2013 – CV: 10-0

39. Hanna & Yolevich
   Intro. 58
   Res. 40
   28-0
   Accepting Grant from New York State Governor’s Traffic Safety Committee for Child Passenger Safety Program (Department of Public Safety)
   Public Safety Committee; January 28, 2013 – CV: 8-0
   Ways and Means Committee; January 30, 2013 – CV: 10-0

40. Howland & Yolevich
   Intro. 59
   Res. 41
   28-0
   Authorizing Contract with CHA Consulting, Inc. for Design Services for Rehabilitate Taxiways A-1, A-3, and N Project at Greater Rochester International Airport
   Environment and Public Works Committee; January 30, 2013 – CV: 6-0
   Ways and Means Committee; January 30, 2013 – CV: 10-0

41. Boyce & McCann
   Intro. 60
   Intro. 61
   M. 12
   9-19 F
   Motion to Amend File No. 13-0037, “Designation of Official Newspapers” to read as follows:

   Added Language is underlined
   Deleted Language is stricken

   Section 1: Designation of The Daily Record, and The Rochester Business Journal, and the Rochester Democrat & Chronicle as the official newspapers for the year 2013 for publication of all local laws, notices and other matters required by law to be published.

   (Legislators Andrews, Bauroth, Gamble, Kaleh, J. Lightfoot, W. Lightfoot, Morelle, Patterson and Wilcox voted in the positive)

   Intro. 62
   M. 13
   9-19 F
   Motion to Amend File No. 13-0037, “Designation of Official Newspapers” to read as follows:

   Added Language is underlined
   Deleted Language is stricken

   Section 1: Designation of The Daily Record, and The Rochester Business Journal as the official newspapers for the year 2013 for publication of all local laws, notices and other matters required by law to be published. Also, to require that the Rochester Democratic and Chronicle be used for all public hearing notices.

   (Legislators Andrews, Bauroth, Gamble, Kaleh, J. Lightfoot, W. Lightfoot, Morelle, Patterson and Wilcox voted in the positive)

   Intro. 60
   Res. 42
   24-4 (Legislators Kaleh, J. Lightfoot, W. Lightfoot and Patterson voted in the negative)
42. Valerio & Yolevich
Intro. 63

13-0043 Authorizing Acquisition of Real Property Located at 350 N. Plymouth Avenue, 311-337 State Street, Portions of 75 Brown Street and 231 State Street in City of Rochester for Monroe Community College Downtown Campus Project Recreation and Education Committee; January 29, 2013 – CV: 4-1 Ways and Means Committee; January 30, 2013 – CV: 9-1

President Adair ruled that the subject matter being discussed by Legislator Andrews was Out of Order. Legislator Andrews Moved and Legislator Patterson Seconded a motion to Appeal the Ruling of the Chair. The President Adair’s ruling was Sustained by the following vote:

Ayes- Legislators Daniele, Ancello, Antelli, Barker, Boyce, Carbone, Colby, Drew, Gurnina, Hanna, Howland, McCann, Micciche, Quatro, Rockow, Tucciarello, Valerio, Yolevich and Adair – 19


Intro. 64 Andrews/W. Lightfoot
M. 14 Motion to Table Intro. File No. 13-0043
9-19 F

Intro. 65 W. Lightfoot/Gamble
M. 15 Motion to Amend File No. 13-0043 to read as follows:

Ruled Out of Order

Section 1: The specific legislative action required is to authorize the County Executive on behalf of Monroe County as Trustee for Monroe Community College, or her designee, to acquire the real property at 350 N. Plymouth Avenue, 311-337 State Street, and portions of 75 Brown Street and 231 State Street, consisting of buildings 3,9, 11, 13 and 16 at Kodak Office, which buildings are located within tax parcels 106.77-1-2 (350 N. Plymouth Avenue), 106.69-1-44 (311-337 State Street), and a part of 106.69-1-45 (75 Brown Street), and a portion of the adjacent parking lot within a part of tax parcel 106.77-1-5.001 (231 State Street), in the City of Rochester from Eastman Kodak Company, for a purchase price of $2,999,000 by contract, along with any amendments for direct and consequential costs, within the capital fund(s) appropriation. This authorization shall take effect upon the full $36 million in funding for this project from New York State receiving approval from the New York State Legislature and Governor.

Added Language is underlined
Deleted Language is struck through

President Adair ruled that the Amendment was Out of Order. Legislator W. Lightfoot Moved and Legislator Andrews Seconded a Motion to Appeal the Ruling of the Chair. The President’s ruling was Sustained by the following vote:

Ayes- Legislators Daniele, Ancello, Antelli, Barker, Boyce, Carbone, Colby, Drew, Gurnina, Hanna, Howland, McCann, Micciche, Quatro, Rockow, Tucciarello, Valerio, Yolevich and Adair – 19


Intro. 63 (Legislators Andrews, Bauroth, Gamble, Kaleh, J. Lightfoot, W. Lightfoot, Morelle, Patterson and Wilcox voted in the negative)
43. Yolevich & Gumina
   Intro. 66
   Res. 44
   28-0

44. Yolevich & Gumina
   Intro. 67
   Res. 45
   28-0

13-0044  Accepting Grant from New York State Record Archives, Local Government Records Management Improvement Fund; Authorizing Contract with Biel’s Document Management for Document Conversion and Access Project Ways and Means Committee; January 30, 2013 — CV: 10-0

13-0045  Authorizing Contract with Strong Employee Assistance Plan to Provide Employee Assistance Program for Monroe County Employees Ways and Means Committee; January 30, 2013 — CV: 10-0

UNFINISHED BUSINESS

Upon Motion by Legislator Daniele, the Legislature adjourned at 9:40 p.m. until Tuesday, March 12, 2013 at 6:00 p.m.

CHERYL M. ROZZI
Clerk of the Legislature