FOURTEENTH DAY

TUESDAY, December 10, 2013

Legislature met pursuant to adjournment.

President Jeffrey R. Adair in the Chair.

ROLL CALL


Absent — Gamble– 1

Note: Legislator Gamble entered the Chambers during the Public Hearing and was present for the remainder of the meeting.

Meeting formally opened. At the invitation of Legislator, John Lightfoot, Reverend Brenda Evans-Spratling of Mount Olivet Baptist Church delivered the invocation. The Pledge of Allegiance to the Flag was led by Legislator Justin Wilcox.

APPROVAL OF MINUTES

Without objection, the Journal of the Session of Day 13, November 12, 2013 was approved as submitted.

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

PETITIONS AND COMMUNICATIONS

PROCLAMATIONS

By the President of the Legislature — Jeffrey R. Adair

Recognized Jointly with Legislator Carrie M. Andrews “Bob Smith” for his long-term dedication to sharing his knowledge and advancing the promotion of diverse areas of discourse in the community.
Read and Filed.

Recognized Jointly with Legislator Willie Joe Lightfoot “Miss. Faakhirah J. Nia-Muhammad” on her exceptional leadership and drive to succeed in not only bettering her own life, but also the lives of others.
Read and Filed.
RECESS

President Adair recessed the meeting to allow for one Public Hearing entitled…

“Regulating Pawnbrokers, Secondhand Dealers and Jewelry and Coin Exchange Dealers”
Twelve speakers addressed the Legislature and the hearing concluded at 6:52 P.M.

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

RECESS

President Adair recessed the meeting to allow for four Public Hearings entitled…

“Proposed Scale of Charges for the Gates-Chili-Ogden Sewer District, Northwest Quadrant Pure Waters District, Irondequoit Bay South Central Pure Waters District and Rochester Pure Waters District, County Sewer Districts for the County of Monroe, New York” No speakers addressed the Legislature and the hearing concluded at 6:53 P.M.

FORMAL COMMITTEE REPORTS

None

PUBLIC FORUM

An Open Forum was conducted to allow speakers to address the Legislature. Twelve speakers addressed the Legislature and the Open Forum concluded at 7:20 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

*Note: Legislator Quatro was out of the Chambers*

1. Gumina & Tucciarello
   Intro. 360
   M. 71
   28-0
   13-0084.LL Providing that Local Law (Intro. No. 122 of 2013), Entitled “Regulating Pawnbrokers, Secondhand Dealers and Jewelry and Coin Exchange Dealers,” Be Lifted from the Table

*Note: Legislator Quatro returned to the chambers and was present for the remainder of the meeting*

2. Gumina & Tucciarello
   Intro. 361
   M. 72
   29-0
   13-0084.LL Providing that Local Law (Intro. No. 122 of 2013), Entitled “Regulating Pawnbrokers, Secondhand Dealers and Jewelry and Coin Exchange Dealers,” Be Adopted
MOTIONS, RESOLUTIONS AND NOTICES

Public Safety Committee; November 25, 2013 – CV: 7-0
Ways and Means Committee; December 5, 2013 – CV: 11-0
Intro. 362  Res. 268 29-0

4. Daniele & Yolevich 13-0292 Providing that Resolution (Intro. No. 346 of 2013), Entitled “Confirming And Adopting Assessment Rolls of Pure Waters Districts For 2014,” Be Lifted from the Table
Intro. 363  M. 73 29-0

Intro. 364  M. 74 29-0

Intro. 346  Res. 269 29-0

6. Tucciarello & Yolevich 13-0326 Providing that Resolution (Intro. No. 349 of 2013), Entitled “Adoption of 2014 Monroe County Budget and Establishing 2014 Classification, Compensation and Salary Schedule for Monroe County Employees,” Be Lifted from the Table
(Legislator J. Lightfoot voted in the negative)
Intro. 352  M. 63 28-1

7. Tucciarello & Yolevich 13-0326 Providing that Resolution (Intro. No. 349 of 2013), Entitled “Adoption of 2014 Monroe County Budget and Establishing 2014 Classification, Compensation and Salary Schedule for Monroe County Employees,” Be Adopted
Intro. 353  M. 64
Motion to Amend Intro. No. 349 of 2013 as follows:

**Section 1.**

2014 BUDGET SALARY SCHEDULE  
ELECTED OFFICIALS – FLAT SALARIES

| Elected Officials | 2014 |  
|-------------------|------|------|
| Sheriff           | Established Salary | $167,000** | $136,700 |

**The Sheriff's salary is equal to that of the District Attorney, as amended by Section 183-a of Judiciary Law of New York State. Beginning 4/1/14, the Sheriff annual salary will increase to $174,000.**

Section 2. Appropriations are decreased by $35,550 in account 9001-3801010000, Sheriff-Administration, commitment item 501000, Salaries.

Appropriations are decreased by $4,088 in account 9001-3801010000, Sheriff-Administration, commitment item 507010, Retirement.

Appropriations are decreased by $515 in account 9001-3801010000, Sheriff-Administration, commitment item 507015, FICA.

Section 3. Appropriations are increased by $40,153 in account 9001-1209020000, Finance-Unallocated, commitment item 504610, Contingency Account.

Motion to Amend Intro. No. 349 of 2013 as follows:

(Note: At the time of Journal completion amendment was not received.)

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

Motion to Amend Intro. No. 349 of 2013 as follows:

**Section 1.** Appropriations for the following commitment line items to be reduced as follows to defer additional pension costs:

507010 “Retirement” to be reduced by $1,300,000

**Section 2.** Increase appropriations to the following accounts to restore Day Care funding:

51-5113-504400 $1,300,000

(Legislators Andrews, Bauroth, Gamble, Haney, Kaleh, J. Lightfoot, W. Lightfoot, Morelle Jr., Patterson and Wilcox Voted in the Positive)
M. 68

Motion to Amend Intro. No. 349 of 2013 as follows:

**Section 1.** All appropriations for payments to Local Development Corporations shall be disbursed only upon the recipient Local Development Corporations amending their bylaws to comply with the following conditions:

a. To require the Monroe County Legislature’s consent, by majority vote, prior to the assignment of any contract with the County Of Monroe including, without limitation, any subcontracts thereto.

b. To require confirmation by the Monroe County Legislature, by majority vote, of all appointments to their boards of directors.

c. To provide the Monroe County Legislature with two voting positions on their board of directors. One such position shall be filled by a nominee of the majority leader of the Legislature and the other shall be filled by a nominee of the minority leader of the Legislature.

d. To abide by and be subject to New York State competitive bidding statutes as adopted and periodically amended by the State Legislature.

e. To have the Monroe County Legislature approve their annual budgets prior to the start of their fiscal years, beginning in 2015.

f. To require the consent of the Monroe County Legislature, by a majority vote, of any amendments to any contact between the local development corporation and Monroe County.

g. To file all contracts, and any subcontracts thereto, with the Clerk of the County Legislature within five (5) calendar days of the execution of the contract. When filing these records, the local development corporation shall provide a summary detailing the names and titles of all principal officers of the entities entering into the contract or subcontract.

h. To require that quarterly financial reports and annual audited financial statements of be submitted to and filed with the Clerk of the Legislature. The annual audit reports shall be filed within 181 days of the end of the local development corporation’s fiscal year.

President Adair ruled that Intro. No. 357 was Out of Order. Legislator W. Lightfoot Appealed the Ruling of the Chair and Legislator Quatro Seconded the motion. A vote was taken and the Ruling of the President was Sustained by the following vote:

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

Intro. 358  W. Lightfoot/Gamble (Amendment 5)
Motion to Amend Intro. No. 349 of 2013 as follows:

**Section 1.** No appropriations shall be expended pursuant the agreement with Lippes, Mathias, Wexler, Friedman, LLP, until the following conditions have been met:

a. To file with the Clerk of the Legislature all invoices or other billing statements at the same time that they are filed with the Administration for payment.

b. To file any amendments to their contract with the Clerk of the Legislature within forty-eight (48) hours of the execution of the amendment.

c. To file with the Clerk of the Legislature a copy of all reports to the County Executive or County Attorney recommending. Such reports shall be filed within seven (7) calendar days of the submission of the report to the aforementioned officials.

d. To file with the Clerk of the Legislature a monthly report detailing the work performed during the preceding month. Such reports shall be filed no later than fifteen (15) days after the end of the month

President Adair ruled that Intro. No. 358 was Out of Order. Legislator W. Lightfoot Appealed the Ruling of the Chair and Legislator Kaleh Seconded the motion. A vote was taken and the Ruling of the President was Sustained by the following vote:

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


Intro. 359  W. Lightfoot/Haney (Amendment 6)
Motion to Amend Intro. No. 349 of 2013 as follows:

**Section 1.** No encumbrance of any funds shall be made for a contract resulting from the Request for Proposals released November 22, 2013, entitled “Indigent Legal Defense Services” prior to the following conditions having been met:

a. An independent cost/benefit analysis must be performed and filed with the Clerk of the Legislature.

b. An independent analysis on the impact these changes may have on the quality of representation for affected clients must be performed and filed with the Clerk of the Legislature.

President Adair ruled that Intro. No. 359 was Out of Order. Legislator W. Lightfoot Appealed the Ruling of the Chair and Legislator Morelle Jr. Seconded the motion. A vote was taken and the Ruling of the President was Sustained by the following vote:

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


Intro. 349  Main Motion
Res. 267 (As Amended by M. 65)/(Legislator Boyce declared her interest prior to the vote)
19-10
(Legislators Andrews, Bauroth, Gamble, Haney, Kaleh, J. Lightfoot, W. Lightfoot, Morelle Jr., Patterson and Wilcox Voted in the Negative)
8. Hanna, Barker & Micciche
   Intro. 373
   Res. 277
   29-0
   13-0294 Reappointment of Timothy P. Donaher as Public Defender
   Public Safety Committee; November 25, 2013 – CV: 7-0

9. Hanna & Yolevich
   Intro. 374
   Res. 278
   29-0
   13-0297 Authorizing Contract with Aramark Correctional Services, Inc. for Provision of Professional Food Service Management to Provide Meals to Inmates Under Care and Custody of Monroe County Sheriff at Sheriff’s Jail Facilities
   Public Safety Committee; November 25, 2013 – CV: 7-0
   Ways and Means Committee; December 5, 2013 – CV: 11-0
   (Legislator Morelle Jr. declared his interest prior to the vote)

10. Hanna & Yolevich
    Intro. 375
    Res. 279
    29-0
    13-0298 Authorizing Contract with The Marketplace for Security Services at Marketplace Mall
    Public Safety Committee; November 25, 2013 – CV: 7-0
    Ways and Means Committee; December 5, 2013 – CV: 11-0
    (Legislator Morelle Jr. declared his interest prior to the vote)

11. Hanna & Yolevich
    Intro. 376
    Res. 280
    29-0
    13-0299 Accepting Grant from New York State Division of Criminal Justice Services for Purchase of Bulletproof Vests and Video Equipment for Monroe County Sheriff’s Office
    Public Safety Committee; November 25, 2013 – CV: 7-0
    Ways and Means Committee; December 5, 2013 – CV: 11-0

12. Hanna & Yolevich
    Intro. 377
    Res. 281
    29-0
    Public Safety Committee; November 25, 2013 – CV: 7-0
    Ways and Means Committee; December 5, 2013 – CV: 11-0

13. Hanna & Yolevich
    Intro. 378
    Res. 282
    29-0
    13-0302 Accepting Grant from New York State Division of Homeland Security and Emergency Services for FY2013 State Law Enforcement Terrorism Program
    Public Safety Committee; November 25, 2013 – CV: 7-0
    Ways and Means Committee; December 5, 2013 – CV: 11-0

14. Hanna & Yolevich
    Intro. 379
    Res. 283
    29-0
    13-0303 Accepting Grant from New York State Division of Homeland Security and Emergency Services for FY2013 State Homeland Security Program; Authorizing Contracts with Monroe Community College, Rochester Institute of Technology and University of Rochester
    Public Safety Committee; November 25, 2013 – CV: 7-0
    Ways and Means Committee; December 5, 2013 – CV: 11-0
    (Legislator Bauroth declared his interest prior to the vote)

    Intro. 380
    M. 75
    29-0
    Motion to Move the Agenda as a Whole except Items 23 and 39

15. Hanna & Yolevich
    Intro. 381
    Res. 284
    29-0
    13-0304 Accepting Grant from United States Department of Justice, Office of Justice Programs, for Smart Probation Program; Authorizing Contract with University of Rochester
    Public Safety Committee; November 25, 2013 – CV: 7-0
    Ways and Means Committee; December 5, 2013 – CV: 11-0
16. Hanna & Yolevich
   Intro. 382
   Res. 285
   29-0

17. Hanna, Boyce & Yolevich
   Intro. 383
   Res. 286
   29-0

18. Hanna, Boyce & Yolevich
   Intro. 384
   Res. 287
   29-0

19. Colby & Yolevich
   Intro. 385
   Res. 288
   29-0

20. Colby & Yolevich
    Intro. 386
    Res. 289
    29-0

21. Drawe & Yolevich
    Intro. 387
    Res. 290
    29-0

22. Drawe & Yolevich
    Intro. 388
    Res. 291
    29-0

23. Drawe & Yolevich
    Intro. 389

16. Hanna & Yolevich
   Accepting Grant from New York State Governor’s Traffic Safety Committee for Community Traffic Safety Program
   Public Safety Committee; November 25, 2013 – CV: 7-0
   Ways and Means Committee; December 5, 2013 – CV: 11-0

17. Hanna, Boyce & Yolevich
   Accepting Grant From New York State STOP-DWI Foundation for DWI Crackdown Weekend Enforcement and Drug Recognition Expert Call Outs; Authorizing Intermunicipal Agreements with Ten Municipalities and Contrast with New York State Park Police
   Public Safety Committee; November 25, 2013 – CV: 7-0
   Intergovernmental Relations Committee; November 26, 2013 – CV 4-0
   Ways and Means Committee; December 5, 2013 – CV: 11-0

18. Hanna, Boyce & Yolevich
    Authorizing Intermunicipal Agreements with Ten Municipalities for STOP-DWI Law Enforcement Program
    Public Safety Committee; November 25, 2013 – CV: 7-0
    Intergovernmental Relations Committee; November 26, 2013 – CV 4-0
    Ways and Means Committee; December 5, 2013 – CV: 11-0

19. Colby & Yolevich
    Authorizing Advertisement for Bids for Highway Rehabilitation Program, Pinnacle Road in Town of Henrietta
    Transportation Committee; November 26, 2013 – CV: 6-0
    Ways and Means Committee; December 5, 2013 – CV: 11-0

20. Colby & Yolevich
    Authorizing Acquisition of Interests in Real Property for Erie Station Road Reconstruction Project in Town of Henrietta
    Transportation Committee; November 26, 2013 – CV: 6-0
    Ways and Means Committee; December 5, 2013 – CV: 11-0

21. Drawe & Yolevich
    Authorizing Professional Services Contracts for Monroe County Office of Mental Health, Socio-Legal Center
    Human Services Committee; November 26, 2013 – CV: 9-0
    Ways and Means Committee; December 5, 2013 – CV: 11-0

22. Drawe & Yolevich
    Authorizing Contract with Coordinated Care Services, Inc. for Provision of Mental Health, Developmental Disabilities and Alcoholism and Substance Abuse Services for 2014
    Human Services Committee; November 26, 2013 – CV: 9-0
    Ways and Means Committee; December 5, 2013 – CV: 11-0

23. Drawe & Yolevich
    Authorizing Monroe County Department of Public Health Agency Contracts and Professional Services Agreements
    Human Services Committee; November 26, 2013 – CV: 9-0
    Ways and Means Committee; December 5, 2013 – CV: 11-0
Intro. 390

M. 76

29-0

Drawe/Yolevich

Motion to Amend Intro. 389 of 2013 as follows:

Section 1. The County Executive, or her designee, is hereby authorized to execute contracts and professional services agreements, and any amendments thereto, for the services described in Attachment A, in a total amount not to exceed $3,515,572 $3,925,049, for the period of January 1, 2014 through December 31, 2014.

Section 2. Funding for these contracts is included in the proposed 2014 operating and operating grant budgets of the Monroe County Department of Public Health in various accounts.

Section 3. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Intro. 389

Res. 292 (As Amended by M. 76)

29-0

24. Drawe & Yolevich

Intro. 391

Res. 293

29-0

13-0313

Accepting Grant from New York State Department of Health for Comprehensive Sexually Transmitted Disease Prevention Systems Program

Human Services Committee; November 26, 2013 – CV: 9-0

Ways and Means Committee; December 5, 2013 – CV: 11-0

25. Drawe & Yolevich

Intro. 392

Res. 294

29-0

13-0314

Accepting Grant from New York State Department of Health for the Beach Act Program

Human Services Committee; November 26, 2013 – CV: 9-0

Ways and Means Committee; December 5, 2013 – CV: 11-0

26. Drawe & Yolevich

Intro. 393

Res. 295

29-0

13-0315

Accepting Funds and Authorizing Contract for Monroe County Office for Aging Programs 2014

Human Services Committee; November 26, 2013 – CV: 9-0

Ways and Means Committee; December 5, 2013 – CV: 11-0

27. Valerio & Yolevich

Intro. 394

Res. 296

29-0

13-0316

Accepting Gift from and Authorizing Contract with Rotary Club of Greece for Improvements to Rotary Lodge in Greece Canal Park

Recreation and Education Committee; November 26, 2013 – CV: 5-0

Ways and Means Committee; December 5, 2013 – CV: 11-0

28. Valerio & Yolevich

Intro. 395

Res. 297

29-0

13-0317

Accepting Grant from New York State Office of Parks, Recreation and Historic Preservation to Fund Services at Seneca Park Zoo

Recreation and Education Committee; November 26, 2013 – CV: 5-0

Ways and Means Committee; December 5, 2013 – CV: 11-0

29. Valerio & Yolevich

Intro. 396

Res. 298

29-0

13-0318

Accepting Grant from New York State Office of Parks, Recreation and Historic Preservation to Fund Services at Highland and Durand Eastman Parks’ Arboretum

Recreation and Education Committee; November 26, 2013 – CV: 5-0

Ways and Means Committee; December 5, 2013 – CV: 11-0
Intro. 397 on Mt. Hope Avenue in City of Rochester for New York State Rochester Outer Loop
Res. 299 Lehigh Valley Railroad to Winton Road South Project
29-0 Transportation Committee; November 26, 2013 – CV: 6-0
Ways and Means Committee; December 5, 2013 – CV: 11-0

31. Hanna & Yolevich 13-0320 Authorizing Contract with University of Rochester for a Monroe County Emergency
Intro. 398 Medical Services Medical Director
Res. 300 Public Safety Committee; November 25, 2013 – CV: 7-0
29-0 Ways and Means Committee; December 5, 2013 – CV: 11-0

32. Drawe & Yolevich 13-0322 Authorizing Contract with Greater Rochester Regional Health Information
Intro. 399 Organization for Exchange of Regional Health Information (Veterans Service Agency)
Res. 301 Human Services Committee; November 26, 2013 – CV: 9-0
29-0 Ways and Means Committee; December 5, 2013 – CV: 11-0

33. Daniele & Yolevich 13-0323 Authorizing Grant Agreement with New York State for Aid Relating to a Project
Intro. 400 for Airport Rescue Firefighting Vehicle Replacement at Greater Rochester
Res. 302 International Airport
29-0 Environment and Public Works Committee; November 27, 2013 – CV: 7-0
Ways and Means Committee; December 5, 2013 – CV: 11-0

34. Howland & McCann 13-0324 Confirmation of Appointment to the Monroe County Airport Authority
Intro. 401 Agenda Charter Committee; November 25, 2013– CV: 5-0
Res. 303
29-0

35. Hanna & Yolevich 13-0325 Authorizing Contract with New York State Division of Homeland Security and
Intro. 402 Emergency Services for Reimbursement of FY2013 Emergency Management
Res. 304 Performance Grant
29-0 Public Safety Committee; November 25, 2013 – CV: 7-0
Ways and Means Committee; December 5, 2013 – CV: 11-0

36. Drawe & Yolevich 13-0327 Amending Resolution 9 of 2013 to Accept Additional Funding from New York State
Intro. 403 Office for Aging for Elder Abuse Education and Outreach Program; Increase
Res. 305 Contract with Lifespan of Greater Rochester, Inc.
29-0 Human Services Committee; November 26, 2013 – CV: 9-0
Ways and Means Committee; December 5, 2013 – CV: 11-0

37. Yolevich & Howland 13-0328 Mortgage Tax Distribution
Intro. 404 Ways and Means Committee; December 5, 2013 – CV: 11-0
Res. 306
29-0

Matters of Urgency

38. Howland & McCann 13-0356 Rescheduling of November 2014 Full Legislature Meeting
Intro. 405
Res. 307
29-0
39. Tucciarello & Drawe
   Intro. 406
   Intro. 407
   M. 77
   10-19 F
   Andrews/Wilcox
   Motion to Amend Intro. 406 as follows:
   (Note: At the time of Journal completion amendment was not received.)
   Intro. 406
   Res. 308
   29-0

40. Yolevich & Howland
   Intro. 365
   18-11 F
   Intro. 365
   Res. 308
   29-0

41. Daniele & Yolevich
   Intro. 366
   Res. 270
   29-0

42. Yolevich & Howland
   Intro. 367
   Res. 271
   29-0

43. Yolevich & Howland
   Intro. 368
   Res. 272
   29-0

44. Yolevich & Howland
   Intro. 369
   Res. 273
   29-0

45. Yolevich & Howland
   Intro. 370
   Res. 274
   29-0

46. Yolevich & Howland
   Intro. 371
   Res. 275
   29-0
47. Yolevich & Howland
   Intro. 372
   Res. 276
   29-0

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UNFINISHED BUSINESS
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PRESENTATION OF PLAQUES

Legislators Antelli, Barker, Hanna and McCann were presented with plaques to commemorate their service to the Legislature. Assistant Deputy County Executive Jerry Helfer was also recognized by County Executive Brooks for his service.

Upon Motion by Legislator Tucciarello, the Legislature adjourned at 10:46 p.m. until Tuesday, January 14, 2014 at 6:00 p.m.

CHERYL M. ROZZI
Clerk of the Legislature