

THIRD DAY

TUESDAY, February 14, 2012

Legislature met pursuant to adjournment.

President Jeffrey R. Adair in the Chair.

ROLL CALL

Present — Legislators Adair, Andrews, Ancello, Antelli, Barker, Bauroth, Boyce, Colby, Daniele, Drawe, Esposito, Gamble, Gumina, Hanna, Howland, Kaleh, J. Lightfoot, McCann, Micciche, O'Brien, Patterson, Quatro, Rockow, Tucciarello, Valerio, Wilcox, Yolevich— 27

Absent – Legislators Haney and W. Lightfoot-2

Meeting formally opened. At the invitation of Legislator John Lightfoot, Reverend Rickey B. Harvey from 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 2, January 10, 2012 was approved as submitted.

PETITIONS AND COMMUNICATIONS

NONE

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

PROCLAMATIONS

None

FORMAL COMMITTEE REPORTS

None

PUBLIC FORUM

An Open Forum was conducted to allow speakers to address the Legislature. Fourteen speakers addressed the Legislature and the Open Forum concluded at 6:53 P.M.

RECESS

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

CONSIDERATION OF MOTIONS, RESOLUTIONS AND NOTICES

1. Boyce & 12-0002 Amending Article II, Section 545-9 of the Rules of Monroe County Legislature
McCann Agenda Charter Committee; January 23, 2012 – CV: 3-2
Intro. 7

Intro. 8 O'Brien/Andrews
M. 1 Motion to Amend Intro No. 7 of 2012 as follows:
9-18 F

Section 1.

Subject: Amending Article II, Section 545-9 of the Rules of the Monroe County Legislature

Honorable Legislators:

Article II, Section 545-9 of the Rules of the Monroe County Legislature requires amendment due to the current terms of the Legislators, all of whom were elected in 2011 to serve for 2012, 2013, 2014 and 2015.

The present rule refers to "...each two year period...". I suggest that the present language be retained but the final sentence be revised to reflect the current terms as follows:

"Notwithstanding the first subsection of this section, all meetings held during the years 2012, 2013, 2014 and 2015 shall be deemed part of ~~one (1) two (2) continuous separate sessions, with one session beginning on January 1, 2012 and ending on December 31, 2013, and the other session beginning on January 1, 2014 and ending on December 31, 2015.~~"

The specific legislative action required is to amend to Rule Article II, Section 545-9 of the Rules of the Monroe County Legislature to revise the aforementioned sentence.

This resolution will have no fiscal impact on Monroe County's Budget.

(Legislators Andrews, Bauroth, Esposito, Gamble, Kaleh, J. Lightfoot, O'Brien, Patterson and Wilcox voted in the positive)

Intro. 7
Res. 4
18-9

Main Motion
(Legislators Andrews, Bauroth, Esposito, Gamble, Kaleh, J. Lightfoot, O'Brien, Patterson and Wilcox voted in the negative)

2. Hanna & Yolevich
Intro. 9
Res. 5
27-0
12-0007 Accepting Grant from New York State Division of Criminal Justice Services for Motor Vehicle Theft and Insurance Fraud Prevention Program
Public Safety Committee, January 23, 2012 – CV: 9-0
Ways and Means Committee; January 25, 2012 - CV: 11-0
3. Hanna & Yolevich
Intro. 10
Res. 6
27-0
12-0008 Accepting Grant from New York State Governor’s Traffic Safety Committee for Selective Traffic Enforcement Program
Public Safety Committee; January 23, 2012 – CV: 9-0
Ways and Means Committee; January 25, 2012 – CV: 11-0
4. Hanna & Yolevich
Intro. 11
Res. 7
27-0
12-0009 Accepting Grant from Unites States Marshals Service for United States Marshals Service New York/New Jersey Regional Fugitive Task Force-Rochester Division
Public Safety Committee; January 23, 2012 – CV: 9-0
Ways and Means Committee; January 25, 2012 – CV: 11-0
5. Hanna & Yolevich
Intro. 12
Res. 8
27-0
12-0010 Accepting Grant from New York State Governor’s Traffic Safety Committee for “Buckle Up New York” Enforcement Campaign
Public Safety Committee; January 23, 2012 – CV: 9-0
Ways and Means Committee; January 25, 2012 – CV: 11-0
6. Hanna & Yolevich
Intro. 13
Res. 9
27-0
12-0011 Amending Resolution 140 of 2010 to Accept Additional Funding from New York State Division of Criminal Justice Services for Edward Byrne Memorial Justice Assistance Grant, American Recovery and Reinvestment Act Funding – Juvenile Reentry Coordination; Amending Contract with Catholic Family Center for Coordination and Provision of Adolescent Reentry Services
Public Safety Committee; January 23, 2012 – CV: 9-0
Ways and Means Committee; January 25, 2012 – CV: 11-0
7. Hanna & Yolevich
Intro. 14
Res. 10
27-0
12-0012 Authorizing Contract with Pre-trial Services Corporation of Monroe County Bar Association for Alternatives to Incarceration Programs for 2012
Public Safety Committee; January 23, 2012 – CV: 9-0
Ways and Means Committee; January 25, 2012 – CV: 11-0
8. Hanna & Yolevich
Intro. 15
Res. 11
27-0
12-0013 Authorizing Contract with Legal Aid Society of Rochester for Legal Representation Services in Family Law and Domestic Violence
Public Safety Committee; January 23, 2012 – CV: 9-0
Ways and Means Committee; January 25, 2012 – CV: 11-0
9. Hanna & Yolevich
Intro. 16
Res. 12
27-0
12-0014 Accepting Grant from New York State Governor’s Traffic Safety Committee for Child Passenger Safety Program (Department of Public Safety)
Public Safety Committee; January 23, 2012 – CV: 9-0
Ways and Means Committee; January 25, 2012 – CV: 11-0
10. Hanna & Yolevich
Intro. 17
Res. 13
27-0
12-0015 Authorizing Federal Equitable Sharing Agreement with United States Department of Justice and United States Department of Treasury
Public Safety Committee; January 23, 2012 – CV: 9-0
Ways and Means Committee; January 25, 2012 – CV: 11-0

11. Hanna & Yolevich
Intro. 18
Res. 14
27-0
- 12-0016 Accepting Grant from New York State Division of Criminal Justice Services for Motor Vehicle Theft and Insurance Fraud Prosecution Program
Public Safety Committee; January 23, 2012 – CV: 9-0
Ways and Means Committee; January 25, 2012 – CV: 11-0
12. Valerio & Yolevich
Intro. 19
Res. 15
27-0
- 12-0017 Authorizing Contracts with Passero Associates and Erdman Anthony for General Architectural and Engineering Term Services for Monroe County Parks Department
Recreation and Education Committee; January 24, 2012 – CV: 5-0
Ways and Means Committee; January 25, 2012 – CV: 11-0

(Note: Legislator J. Lightfoot Left the Chambers and was not Present for Agenda Items 13-16)

13. Gumina, Valerio & Yolevich
Intro. 20
Res. 16
26-0
- 12-0018 Authorizing Intermunicipal Agreement with; Accepting Grant from Town of Penfield of Real Property and Improvements at 475 Smith Road as Addition to Abraham Lincoln Park
Intergovernmental Relations Committee; January 25, 2012 – CV: 5-0
Recreation and Education Committee; January 24, 2012 – CV: 5-0
Ways and Means Committee; January 25, 2012 – CV: 11-0
14. Drawe & Yolevich
Intro. 21
Res. 17
26-0
- 12-0019 Amending Resolution 87 of 2011 to Accept Additional Funding From New York State Department of Health for Public Health Campaign Program
Human Services Committee; January 24, 2012 – CV: 9-0
Ways and Means Committee; January 25, 2012 – CV: 11-0
15. Drawe & Yolevich
Intro. 22
Res. 18
26-0
- 12-0020 Amending Resolution 172 of 2011 to Accept Additional Funding From New York State Department of Health for Rabies Reimbursement Program
Human Services Committee; January 24, 2012 – CV: 9-0
Ways and Means Committee; January 25, 2012 – CV: 11-0
16. Drawe & Yolevich
Intro. 23
Res. 19
26-0
- 12-0021 Amending Resolution 176 of 2011 to Accept Additional Funding From New York State Department of Health; Amending Contract with Kathleen Carelock for Immunization Action Plan Program
Human Services Committee; January 24, 2012 – CV: 9-0
Ways and Means Committee; January 25, 2012 – CV: 11-0

(Note: Legislator J. Lightfoot Returned to the Chambers and was Present for the Remainder of the Meeting.)

17. Drawe & Yolevich
Intro. 24
Res. 20
27-0
- 12-0022 Amending Resolution 258 of 2011 to Accept Additional Funding From New York State Department of Health for Healthy Neighborhoods Program
Human Services Committee; January 24, 2012 – CV: 9-0
Ways and Means Committee; January 25, 2012 – CV: 11-0
18. Drawe & Yolevich
Intro. 25
Res. 21
27-0
- 12-0023 Amending Resolution 260 of 2011 to Accept Additional Funding From New York State Department of Health, Increasing Contract with Perinatal Network of Monroe County for Healthy Mom – Healthy Baby Program
Human Services Committee; January 24, 2012 – CV: 9-0
Ways and Means Committee; January 25, 2012 – CV: 11-0

19. Drawe & Yolevich
Intro. 26
Res. 22
27-0
- 12-0024 Amending Resolution 291 of 2011 to Accept Additional Funding From New York State Department of Health for the Children with Special Health Care Needs Program
Human Services Committee; January 24, 2012 – CV: 9-0
Ways and Means Committee; January 25, 2012 – CV: 11-0
20. Drawe & Yolevich
Intro. 27
Res. 23
27-0
- 12-0025 Accepting Grant from New York State Department of Health for Public Health Campaign Program
Human Services Committee; January 24, 2012 – CV: 9-0
Ways and Means Committee; January 25, 2012 – CV: 11-0
21. Drawe & Yolevich
Intro. 28
Res. 24
27-0
- 12-0026 Accepting Grant from Oswego County Soil and Water Conservation District (Finger Lakes – Lake Ontario Watershed Protection Alliance) for Water Quality Program
Human Services Committee; January 24, 2012 – CV: 9-0
Ways and Means Committee; January 25, 2012 – CV: 11-0
22. Drawe & Yolevich
Intro. 29
Res. 25
27-0
- 12-0027 Accepting Grant from New York State Department of Health Comprehensive HIV/STD/Hepatitis C Prevention, Particularly in Communities of Color Program; Authorizing Contracts with University of Rochester, ACM Medical Laboratory, Inc.
Human Services Committee; January 24, 2012 – CV: 9-0
Ways and Means Committee; January 25, 2012 – CV: 11-0
23. Drawe & Yolevich
Intro. 30
Res. 26
27-0
- 12-0028 Accepting Funds and Authorizing Contracts for Monroe County Office for the Aging Programs in 2012
Human Services Committee; January 24, 2012 – CV: 9-0
Ways and Means Committee; January 25, 2012 – CV: 11-0
24. Drawe & Yolevich
Intro. 31
Res. 27
27-0
- 12-0029 Accepting Funding from New York State Office for the Aging for New York State Lifespan Respite Initiative Project; Authorizing Contract with Lifespan of Greater Rochester, Inc.
Human Services Committee; January 24, 2012 – CV: 9-0
Ways and Means Committee; January 25, 2012 – CV: 11-0
25. Drawe & Yolevich
Intro. 32
Res. 28
27-0
- 12-0030 Accepting Funding from New York State Office for the Aging; Authorizing Contracts with Lifespan of Greater Rochester, Inc., Finger Lakes Health Systems Agency and Coordinated Care Services Incorporated to Administer NY Connects: Choices for Long Term Care
Human Services Committee; January 24, 2012 – CV: 9-0
Ways and Means Committee; January 25, 2012 – CV: 11-0
26. Howland & Yolevich
Intro. 33
Res. 29
25-2
- 12-0031 Amending Resolution 293 of 1994 to Amend Airport Access Fees for Car Rental Companies and Valet Parking Companies Operating off Airport Property
Environment and Public Works Committee; January 25, 2012 – CV: 5-2
Ways and Means Committee; January 25, 2012 – CV: 11-0
(Legislators Bauroth and Kaleb voted in the negative)
27. Howland & Yolevich
Intro. 34
Res. 30
27-0
- 12-0032 Amending Resolution 277 of 1996 Authorizing an Amendment to Lease with Bell Atlantic Mobile of Rochester, LP. D/B/A Verizon Wireless, Successor in Interest to Rochester Telephone Mobile Communications at Greater Rochester International Airport
Environment and Public Works Committee; January 25, 2012 – CV: 7-0
Ways and Means Committee; January 25, 2012 – CV: 11-0

28. Colby & Yolevich
Intro. 35
Res. 31
27-0
- 12-0033 Authorizing Advertisement for Bids for Burnt Mill Road Bridge Project Over Black Creek in Town of Riga
Transportation Committee; January 24, 2012 – CV: 6-0
Ways and Means Committee; January 25, 2012 – CV: 11-0
29. Colby & Yolevich
Intro. 36
Res. 32
27-0
- 12-0034 Authorizing Advertisement for Bids; Authorizing Contract with Monroe County Water Authority in Conjunction with South Lincoln Road Project in Town of Perinton and Town/Village of East Rochester
Transportation Committee; January 24, 2012 – CV: 6-0
Ways and Means Committee; January 25, 2012 – CV: 11-0
30. Colby & Yolevich
Intro. 37
Res. 33
27-0
- 12-0035 Authorizing Advertisement for Bids for Klem Road Bridge Project over Mill Creek Tributary in Town of Webster
Transportation Committee; January 24, 2012 – CV: 6-0
Ways and Means Committee; January 25, 2012 – CV: 11-0
31. Colby & Yolevich
Intro. 38
Res. 34
27-0
- 12-0036 Authorizing Contract with Popli Design Group for Engineering Services for Highway Rehabilitation Program, Pinnacle Road in Town of Rush
Transportation Committee; January 24, 2012 – CV: 6-0
Ways and Means Committee; January 25, 2012 – CV: 11-0
32. Colby & Yolevich
Intro. 39
Res. 35
27-0
- 12-0037 Authorizing Contract for Engineering Services with Lu Engineers for Mendon Center Road Culvert over Irondequoit Creek Tributary in Town of Mendon
Transportation Committee; January 24, 2012 – CV: 6-0
Ways and Means Committee; January 25, 2012 – CV: 11-0
33. Colby & Yolevich
Intro. 40
Res. 36
27-0
- 12-0038 Authorizing Contract with Crane-Hogan Structural Systems, Inc. for Construction Services for Kirk Road Bridge over Round Pond Creek Project in Town of Greece
Transportation Committee; January 24, 2012 – CV: 6-0
Ways and Means Committee; January 25, 2012 – CV: 11-0
34. Colby & Yolevich
Intro. 41
Res. 37
27-0
- 12-0038.br Resolution Authorizing the Issuance of \$1,519,000 Bonds of the County of Monroe, New York, to Finance the Cost of the Replacement of Kirk Road Bridge Over Round Pond Creek (BIN 3317540), Including Removal of A Nearby Bridge Over Round Pond Creek Tributary (BIN 3317550), in and for Said County, At an Estimated Maximum Cost of \$1,519,000, and Superseding the Bond Resolution Adopted on December 14, 2010 (Resolution No. 353 of 2010)
Transportation Committee; January 24, 2012 – CV: 6-0
Ways and Means Committee; January 25, 2012 – CV: 11-0
35. Colby & Yolevich
Intro. 42
Res. 38
27-0
- 12-0039 Authorizing Contracts with Barton & Logudice, P.C. for Engineering Services and New York State Department of Transportation for Preventive Maintenance Bridges/Rustic Rail Replacement Project in Monroe County
Transportation Committee; January 24, 2012 – CV: 6-0
Ways and Means Committee; January 25, 2012 – CV: 11-0

36. Colby & Yolevich
Intro. 43
Res. 39
27-0
12-0039.br Resolution Authorizing the Issuance of \$121,000 Bonds of the County of Monroe, New York, to Finance Planning and Design Cost of Bridge Repairs and Rustic Guardrail Replacement, in and for Said County, At an Estimated Maximum Cost of \$121,000
Transportation Committee; January 24, 2012 – CV: 6-0
Ways and Means Committee; January 25, 2012 – CV: 11-0
37. Howland & Yolevich
Intro. 44
Res. 40
27-0
12-0040 Amending Resolution No. 95 of 2011 to Increase Contract with T-Y LIN International for Code Enforcement Term Services
Environment and Public Works Committee; January 25, 2012 – CV: 7-0
Ways and Means Committee; January 25, 2012 – CV: 11-0
38. Howland & Yolevich
Intro. 45
Res. 41
27-0
12-0041 Amending Resolution No. 94 of 2011 to Increase Contracts with Barton & Logudice P.C., Clough Harbour & Associates, LLP, LaBella Associates, P.C. and D.J. Parrone and Associates for General Engineering and Architectural Term Services
Environment and Public Works Committee; January 25, 2012 – CV: 7-0
Ways and Means Committee; January 25, 2012 – CV: 11-0
39. Howland & Yolevich
Intro. 46
Res. 42
27-0
12-0042 Authorizing Contracts with Atlantic Testing Laboratories, LTD., LaBella Associates, P.C., Lozier Environmental Consulting, Inc., Lu Engineers and Paradigm Environmental Services, Inc. for Professional Environmental Testing Term Services
Environment and Public Works Committee; January 25, 2012 – CV: 7-0
Ways and Means Committee; January 25, 2012 – CV: 11-0
40. Howland & Yolevich
Intro. 47
Res. 43
27-0
12-0044 Authorizing Contracts with Atlantic Testing Laboratories, LTD., CME Associates, Inc., Foundation Design, P.C., and SJB Services, Inc., for Professional Material Testing Term Services
Environment and Public Works Committee; January 25, 2012 – CV: 7-0
Ways and Means Committee; January 25, 2012 – CV: 11-0
41. Colby & Yolevich
Intro. 48
Res. 44
27-0
12-0046 Authorizing Acquisition of Interests in Real Property for South Lincoln Road Highway Improvement Project in Town/Village of East Rochester and Town of Perinton
Transportation Committee; January 24, 2012 – CV: 6-0
Ways and Means Committee; January 25, 2012 – CV: 11-0
42. Yolevich & Gumina
Intro. 49
Res. 45
27-0
12-0047 Authorizing Sale of Permanent Easements on County Owned Property in Town of Ogden and Village of Spencerport
Ways and Means Committee; January 25, 2012 – CV: 11-0
43. Yolevich & Gumina
Intro. 50
Res. 46
27-0
12-0048 Authorizing Sale of County Owned Tax Foreclosed Property in Town of Ogden
Ways and Means Committee; January 25, 2012 – CV: 11-0

44. Yolevich & Gumina
 Intro. 51
 12-0049 Authorizing Acquisition of Interests in Real Property for Klem Road Bridge at Mill Creek Tributary Project in Town of Webster
 Transportation Committee; January 24, 2012 – CV: 6-0
 Ways and Means Committee; January 25, 2012 – CV: 11-0

Intro. 52
 M. 2
 27-0 Yolevich/Gumina
 Motion to Amend Intro No. 50 of 2012 as Follows:
 (underlined language is new and stricken language is to be deleted)

<u>Parcel</u>	<u>Offeror</u>	<u>Amount</u>
Map 8 Parcel 1 PE 2,317 sf 631 Webster Road T.A. #065.14-1-1 Town of Webster	Lee P. McMullen Jean E. McMullen 631 Webster Road Webster, New York 14580	\$2,200
Map 9 Parcel 1 PE 2,268 sf 644 Northlight Circle T.A. #065.13-5-1 Town of Webster	Samuel J. Scorsone Natalie Scorsone 644 Northlight Circle Webster, New York 14580	\$6,800 <u>\$7,920</u>
Map 10 Parcel 1 PE 2,691 sf 645 Webster Road T.A. #065.14-1-20 Town of Webster	Robert J. Ficarra Brenda L. Florio 645 Webster Road Webster, New York 14580	\$3,400 <u>\$4,650</u>

Intro. 51
 Res. 47 (As Amended by Motion No. 2)
 27-0 Main Motion

45. Boyce & McCann
 Intro. 53
 12-0050 Designating Official Newspapers for County of Monroe for 2012
 Agenda Charter Committee; January 23, 2012 – CV: 5-0

Intro. 54
 M. 3
 Patterson/Bauroth
 Motion to Amend Intro No. 53 of 2012 as follows:
 Section 1: Designation of The Daily Record, ~~and~~ The Rochester Business Journal, and the Rochester Democrat & Chronicle as official newspapers for the 2012 for publication of all local laws, notices and other matters required by law to be published.

President Adair Ruled this Amendment Out Of Order.

Intro. 55
 M. 4
 9-18 F O'Brien/ J. Lightfoot
 Motion to Table Intro No. 53 of 2012
Legislators Andrews, Bauroth, Esposito, Gamble, Kaleh, J. Lightfoot, O'Brien, Patterson and Wilcox voted in the positive)

Intro. 53
 Res. 48
 18-9 Main Motion
Legislators Andrews, Bauroth, Esposito, Gamble, Kaleh, J. Lightfoot, O'Brien, Patterson and Wilcox voted in the negative)

46. Yolevich & Gumina
Intro. 56
Res. 49
27-0
- 12-0053.br A Resolution Authorizing the Issuance Pursuant to Section 90.10 of the Local Finance Law of Refunding Bonds of the County of Monroe, New York, to be Designated “Public Improvement Refunding Bonds”, and Providing for Other Matters in Relation There to and the Payment of the Bonds to be Refunded Thereby
Ways and Means Committee; January 25, 2012 – CV: 11-0
47. Boyce & McCann
Intro. 57
Res. 50
25-2
- 12-0056 Confirmation of Appointment to Monroe County Board of Ethics
Matter of Urgency
(Legislators Esposito and Wilcox voted in the negative)
- Intro. 58
M. 5
27-0
- Yolevich/Barker
Motion to Move into Executive Session
48. Yolevich & Gumina
Intro. 59
Res. 51
27-0
- 12-0054 Authorizing Settlement of Lawsuit Entitled “Yuri Shyshko, Nataliya Shyshko, Taras Shyshko, Vladimir Shyshko and Andrew Sundberg V. County of Monroe, Monroe County Sheriff’s Department, Patrick O’Flynn, Deputy Jason Surowy and Deputy J. Cave”
Ways and Means Committee; January 25, 2012 – CV: 11-0
49. Yolevich & Gumina
Intro. 60
Res. 52
27-0
- 12-0055 Authorizing Settlement of Lawsuit Entitled “Yasmin Kabir V. County of Monroe, Monroe County Sheriff’s Department, Monroe County Sheriff Patrick M. O’ Flynn and John DiDomenico”
Ways and Means Committee; January 25, 2012 – CV: 10-0

UNFINISHED BUSINESS

Upon Motion by Legislator Anthony Daniele, the Legislature adjourned at 8:22 p.m. until Tuesday, March 13, 2012 at 6:00 p.m.

CHERYL M. ROZZI
Clerk of the Legislature