

SEVENTH DAY

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TUESDAY, June 12, 2012

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Legislature met pursuant to adjournment.

President Jeffrey R. Adair in the Chair.

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**ROLL CALL**

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

Absent — Legislators W. Lightfoot, Patterson - 2

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Meeting formally opened. At the invitation of Legislator Cindy Kaleh, Father Kevin McKenna of Cathedral Community located at Sacred Heart Cathedral delivered the invocation. The Pledge of Allegiance to the Flag was led by Legislator Edward O'Brien.

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**IN MEMORIAM**

24. Daniele & O'Brien Intro. 210 Res. 161 27-0	12-0217	Expressing Regret of the Monroe County Legislature on the Recent Passing of Marion Brown, Mother of Legislator Debbie Drawe
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**APPROVAL OF MINUTES**

Without objection, the Journal of the Session of Day 6, May 8, 2012 was approved as submitted.

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**PETITIONS AND COMMUNICATIONS**

NONE

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

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**PROCLAMATIONS**

By the President of the Legislature — Jeffrey R. Adair

Recognized Jointly with Legislators Debbie Drawe and E. Daniel Quatro, "Jim Stranz" for his dedication to the Scott Firefighter Stairclimb.

Read and Filed.

**Recognized Jointly with Legislators Ted O'Brien, Cynthia Kaleh and Rick Antelli, "Building Minds in Sudan" for their passion and commitment to help share the generosity of Rochester, New York with the Communities of South Sudan.**

Read and Filed.

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**RECESS**

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

Prohibiting Cyber-Bullying in Monroe County. Two speakers addressed the Legislature and the hearing concluded at 6:29 P.M.

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**FORMAL COMMITTEE REPORTS**

None

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**PUBLIC FORUM**

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

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**RECESS**

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

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**LOCAL LAWS**

1. Gumina & Barker  
Intro. 211  
M. 45  
26-1  
12-0140.LL Providing that Local Law (Intro. No. 180 of 2012), Entitled "Prohibiting Cyber-Bullying in Monroe County" Be Lifted from the Table  
*(Legislator J. Lightfoot voted in the negative)*
2. Gumina & Barker  
Intro. 212  
M. 46  
22-5  
Intro. 213  
M. 47  
8-19 F  
Andrews/Kaleh  
Motion to Amend Intro 180 of 2012 as follows:  
**Section 1.** Section 382-4(C) of the Local Law shall be amended as follows:

"C. Cyber bullying- shall mean, with intent to harass, ~~annoy~~, threaten, or place ~~another a~~ minor in fear of personal injury, engaging in a course of conduct or repeatedly committing acts of abusive behavior over a period of time by communication or causing a communication to be sent by mechanical or electronic means, posting statements or images on the internet, through a computer network, or via cell or smart phone or other electronic device. Acts of abusive behavior shall include, but not limited to: ~~taunting;~~

threatening; intimidating; ~~insulting~~; tormenting; ~~humiliating~~; disseminating sexually explicit photographs, either actual or modified, of a minor; disseminating the private, personal or sexual information, either factual or false, of a minor without lawful authority.

*(Legislators O'Brien, Andrews, Bauroth, Esposito, Gamble, Haney, Kaleh and Wilcox voted in the positive)*

Intro. 214  
M. 48  
8-19 F

Bauroth/O'Brien

Motion to Amend Intro 180 of 2012 as follows:

**Section 1.** Section 382-4(C) of the Local Law shall be amended as follows:

“C. Cyber bullying- shall mean, with intent to harass, annoy, threaten, or place ~~another a~~ minor in fear of personal injury, engaging in a course of conduct or repeatedly committing acts of abusive behavior over a period of time by communication or causing a communication to be sent by mechanical or electronic means, posting statements or images on the internet, through a computer network, or via cell or smart phone. Acts of abusive behavior shall include, but not limited to: taunting;-threatening; intimidating; insulting; tormenting; humiliating; disseminating sexually explicit photographs, either actual or modified, of a minor; disseminating the private, personal or sexual information, either factual or false, of a minor without lawful authority.

*(Legislators O'Brien, Andrews, Bauroth, Esposito, Gamble, Haney, Kaleh and Wilcox voted in the positive)*

Intro. 215  
M. 49  
9-18 F

Esposito/Gamble

Motion to Table Intro. 180 of 2012

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

Intro. 180  
Local Law No. TBA  
22-5

Main Motion

*(Legislators Andrews, Bauroth, Gamble, Kaleh and J. Lightfoot voted in the negative)*

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## MOTIONS, RESOLUTIONS AND NOTICES

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*(Note: Legislator Edward O'Brien Left the Chambers and was not Present for Agenda Items #3-6)*

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| 3. Drawe & Boyce<br>Intro. 216<br>Res. 162<br>26-0     | 12-0170 | Confirming Nominations for Young Citizens of the Year and Willie W. Lightfoot Youth Advocate of the Year Awards<br>Human Services Committee; May 22, 2012 – CV: 10-0   |
| 4. Rockow & Yolevich<br>Intro. 217<br>Res. 163<br>26-0 | 12-0172 | Approving Submission of 2012 Annual Action Plan for Housing and Community Development in Suburban Monroe County and Grant Submission to U.S. Department of Housing and Urban Development<br>Planning and Economic Development Committee; May 21, 2012 – CV: 5-0<br>Ways and Means Committee; May 23, 2012 – CV: 10-0 |
| 5. Hanna & Yolevich<br>Intro. 218<br>Res. 164<br>26-0  | 12-0173 | Authorizing Contract with Health Care Support Advisors, Inc. for Monroe County Sheriff's Office to Conduct Criminal Background Checks on HCSA Members' Potential Employees<br>Public Safety Committee; May 21, 2012 – CV: 7-0<br>Ways and Means Committee; May 23, 2012 – CV: 10-0                                   |

6. Hanna & Yolevich  
Intro. 219  
Res. 165  
26-0  
12-0174 Authorizing Contract with Bonnie Park, Ph. D., for Juvenile and Family Psychological Services for Monroe County Office of Probation – Community Corrections  
Public Safety Committee; May 21, 2012 – CV: 7-0  
Ways and Means Committee; May 23, 2012 – CV: 10-0
7. Gumina, Hanna & Yolevich  
Intro. 220  
Res. 166  
27-0  
12-0175 Authorizing Intermunicipal Agreement with City of Rochester to Accept Pass Through Funding from United States Department of Justice for 2012 Edward Byrne Memorial Justice Assistance Grant Program  
Intergovernmental Relations Committee; May 23, 2012 – CV: 5-0  
Public Safety Committee; May 21, 2012 – CV: 7-0  
Ways and Means Committee; May 23, 2012 – CV: 10-0
8. Colby & Yolevich  
Intro. 221  
Res. 167  
27-0  
12-0176 Authorizing Acquisition of Interests in Real Property for Salt Road Culvert Improvement Project at Four Mile Creek in Town of Webster  
Transportation Committee; May 22, 2012 – CV: 7-0  
Ways and Means Committee; May 23, 2012 – CV: 10-0
9. Colby & Yolevich  
Intro. 222  
Res. 168  
27-0  
12-0177 Authorizing Acquisition of Interests in Real Property for Redman Road Culvert Improvement Project at West Creek Tributary in Town of Clarkson  
Transportation Committee; May 22, 2012 – CV: 7-0  
Ways and Means Committee; May 23, 2012 – CV: 10-0
10. Drawe & Yolevich  
Intro. 223  
Res. 169  
27-0  
12-0178 Accepting Grant from New York State Department of Health for Immunization Action Plan Program; Authorizing Contract with University of Rochester  
Human Services Committee; May 22, 2012 – CV: 9-0  
Ways and Means Committee; May 23, 2012 – CV: 10-0
11. Drawe & Yolevich  
Intro. 224  
Res. 170  
27-0  
12-0179 Accepting Grant from New York State Department of Health for Support of Monroe County Nurse Family Partnership Program; Amending Resolution 294 of 2011 to Increase the Contracts with Visiting Nurse Service of Rochester and Monroe County, Inc. and Nurse-Family Partnership (National Service Office)  
Human Services Committee; May 22, 2012 – CV: 9-0  
Ways and Means Committee; May 23, 2012 – CV: 10-0
12. Valerio & Yolevich  
Intro. 225  
Res. 171  
27-0  
12-0180 Authorizing Sale of Permanent Easement and Temporary Easement on Property Owned by Monroe County, as Trustee for Monroe Community College to Town of Brighton, Acting for and on Behalf of Brighton Consolidated Sewer District for Monroe Community College Sanitary Sewer Project  
Recreation and Education Committee; May 22, 2012 – CV: 5-0  
Ways and Means Committee; May 23, 2012 – CV: 10-0
13. Yolevich & Gumina  
Intro. 226  
Res. 172  
27-0  
12-0182 Mortgage Tax Distribution  
Ways and Means Committee; May 23, 2012 – CV: 10-0
14. Howland & Yolevich  
Intro. 227  
Res. 173  
27-0  
12-0183 Authorizing Contract with O'Brien & Gere for Professional Engineering Services for Rochester Pure Waters District's Lexington Avenue Tunnel Improvement Project  
Environment and Public Works Committee; May 23, 2012 – CV: 7-0  
Ways and Means Committee; May 23, 2012 – CV: 10-0

15. Howland & Yolevich  
Intro. 228  
Res. 174  
27-0  
12-0185 Authorizing Contract with Bergmann Associates for Professional Engineering Services for Rochester Pure Waters District's Combined Overflow Abatement System Tunnel Improvements Project  
Environment and Public Works Committee; May 23, 2012 – CV: 5-0  
Ways and Means Committee; May 23, 2012 – CV: 11-0
16. Colby & Yolevich  
Intro. 229  
Res. 175  
27-0  
12-0188 Authorizing Contract with C.P. Ward, Inc., for Construction Services for Burnt Mill Road Bridge Over Black Creek Project in Town of Riga  
Transportation Committee; May 22, 2012 – CV: 7-0  
Ways and Means Committee; May 23, 2012 – CV: 11-0
17. Colby & Yolevich  
Intro. 230  
Res. 176  
27-0  
12-0188.br Resolution Authorizing the Issuance of \$747,000 Bonds of the County of Monroe, New York, to Finance the Cost of the Restoration of Burnt Mill Road Bridge Over Black Creek (BIN 3317300), Including Related Incidental Improvements, in and for Said County, at an Estimated Maximum Cost of \$747,000 and Superseding the Bond Resolution Adopted on December 13, 2011 (Resolution No. 337 of 2011)
18. Colby & Yolevich  
Intro. 231  
Res. 177  
27-0  
12-0189 Authorizing Contract with Villager Construction, Inc., for Construction Services for East Ridge Road Project in Town of Irondequoit  
Transportation Committee; May 22, 2012 – CV: 7-0  
Ways and Means Committee; May 23, 2012 – CV: 11-0
19. Colby & Yolevich  
Intro. 232  
Res. 178  
27-0  
12-0189.br Resolution Authorizing the Issuance of \$13,500,000 Bonds of the County of Monroe, New York, to Finance the Cost of the Reconstruction and Improvement of Portions of East Ridge Road from City Line to Culver Road in and for Said County, and Superseding the Bond Resolution Adopted on December 9, 2008 (Resolution No. 343 of 2008)
20. Rockow, Hanna, Valerio, Colby, Drawe, Howland, Gumina & Yolevich  
Intro. 233  
12-0190 Adopting 2013-2018 Capital Improvement Program  
Planning and Economic Development Committee; May 21, 2012 – CV: 3-2  
Public Safety Committee; May 21, 2012 – CV: 4-3  
Recreation and Education Committee; May 22, 2012 – CV: 3-2  
Transportation Committee; May 22, 2012 – CV: 4-3  
Human Services Committee; May 22, 2012 – CV: 6-3  
Environment and Public Works Committee; May 23, 2012 – CV: 3-2  
Intergovernmental Relations Committee; May 23, 2012 – CV: 3-2  
Ways and Means Committee; May 23, 2012 – CV: 7-4  
*(For Introductory Purposes Only)*
21. Rockow, Hanna, Valerio, Colby, Drawe, Howland, Gumina & Yolevich  
Intro. 234  
M. 50  
27-0  
12-0190 Providing that Resolution (Intro. No. 233 of 2012), "Adopting 2013-2018 Capital Improvement Program," Be Tabled

22. Rockow, Hanna, Valerio, Colby, Drawe, Howland, Gumina & Yolevich  
Intro. 235  
Res. 179  
27-0
- 12-0190 Fixing Public Hearing for Adoption of 2013-2018 Capital Improvement Program  
*(Public Hearing is scheduled for Tuesday, July 10, 2012 at 6:15 P.M.)*

*Matters Of Urgency*

23. Daniele, Yolevich & Haney  
Intro. 236  
Res. 180  
27-0
- 12-0191 Reappointment of Commissioner of Elections- Peter M. Quinn  
Matter of Urgency
25. Daniele, Yolevich & Boyce  
Intro. 237  
Res. 181  
27-0
- 12-0218 Appointment to Greater Rochester Visitors Association, Inc. Board of Directors  
Matter of Urgency
26. Daniele & Yolevich  
Intro. 238  
Res. 182  
27-0
- 12-0219 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  
Matter of Urgency

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**UNFINISHED BUSINESS**

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Upon Motion by Legislator Anthony Daniele, the Legislature adjourned at 8:19 p.m. until Tuesday, July 10, 2012 at 6:00 p.m.

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**CHERYL M. ROZZI**  
Clerk of the Legislature