

## SECOND DAY

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TUESDAY, February 12, 2013

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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, 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.*

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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.

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### APPROVAL OF MINUTES

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

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### PETITIONS AND COMMUNICATIONS

None

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*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.

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### PROCLAMATIONS

By the President of the Legislature — Jeffrey R. Adair

**Prclaimes 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 18<sup>th</sup> year of successfully organizing the Mendon Ponds Winterfest.**

Read and Filed.

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

**Recognized Jointly with Legislators Carrie Andrews, Willie Joe Lightfoot and Cindy Kaleh “The United Way of Greater Rochester’s African American Leadership Development Program” on their tireless service to our community since 1992.**  
Read and Filed.

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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. Fifteen speakers addressed the Legislature and the Open Forum concluded at 7:08 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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### CONSIDERATION OF LOCAL LAWS

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1. Tucciarello & Antelli  
Intro. 19                      13-0004 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                              13-0004 LL Providing that Local Law (Intro. No. 19 of 2013), Entitled “Prohibiting the Sale, Use or Possession of Synthetic Drugs and Other Similar Compounds” Be Tabled
  
  3. Tucciarello & Antelli  
Intro. 21                              13-0004 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  
Ruled Out of Order                      Synthetic Drugs and Other Similar Compounds” as follows:

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. The Clerk shall also cause said notice to be published in the Rochester Democrat and Chronicle at least five days before said hearing.

Added Language is underlined

Deleted Language is ~~stricken~~

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

Noes- Andrews, Bauroth, Gamble, Kaleh, J. Lightfoot, W. Lightfoot, Morelle, Patterson and Wilcox - 9

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

Intro. 21  
Res. 14  
28-0

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## MOTIONS, RESOLUTIONS AND NOTICES

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| 4. | Yolevich &<br>McCann<br>Intro. 23<br>Res. 15<br>28-0 | 13-0003 | Confirming Reappointment to the Monroe County Soil and Water Conservation Board  |
| 5. | Rockow &<br>Howland<br>Intro. 24<br>Res. 16<br>28-0  | 13-0006 | Authorizing Initiation of Process for Making Additions to Monroe County Agricultural Districts<br>Planning and Economic Development Committee; January 28, 2013 – CV: 5-0  |
| 6. | Hanna &<br>Yolevich<br>Intro. 25<br>Res. 17<br>28-0  | 13-0007 | Authorizing Federal Equitable Sharing Agreements with United States Department of Justice and United States Department of Treasury<br>Public Safety Committee; January 28, 2013 – CV: 8-0<br>Ways and Means Committee; January 30, 2013 – CV: 10-0       |
| 7. | Hanna &<br>Yolevich<br>Intro. 26<br>Res. 18<br>28-0  | 13-0008 | Accepting Grant from New York State Division of Homeland Security and Emergency Services for Operation Stonegarden Program<br>Public Safety Committee; January 28, 2013 – CV: 8-0<br>Ways and Means Committee; January 30, 2013 – CV: 10-0               |
| 8. | Hanna &<br>Yolevich<br>Intro. 27<br>Res. 19<br>28-0  | 13-0009 | Accepting Grant from New York State Division of Criminal Justice Services for Motor Vehicle Theft and Insurance Fraud Prevention Program<br>Public Safety Committee; January 28, 2013 – CV: 8-0<br>Ways and Means Committee; January 30, 2013 – CV: 10-0 |

9. Hanna & Yolevich  
Intro. 28  
Res. 20  
28-0  
13-0010 Accepting Grant from United States Department of Justice, United States Marshals Service Western District of New York, for United States Marshals Service New York/New Jersey Regional Fugitive Task Force-Rochester Division  
Public Safety Committee; January 28, 2013 – CV: 8-0  
Ways and Means Committee; January 30, 2013 – CV: 10-0
10. Hanna & Yolevich  
Intro. 29  
Res. 21  
28-0  
13-0011 Authorizing Contract with Richard J. Watts, Inc. for Radiological Consultant Services  
Public Safety Committee; January 28, 2013 – CV: 8-0  
Ways and Means Committee; January 30, 2013 – CV: 10-0
11. Antelli & Yolevich  
Intro. 30  
Res. 22  
28-0  
13-0012 Authorizing Contract with Villager Construction, Inc. for Long Pond Road Bridge at Round Pound Creek Project in Town of Greece  
Transportation Committee; January 29, 2013 – CV: 7-0  
Ways and Means Committee; January 30, 2013 – CV: 10-0
12. Boyce & Yolevich  
Intro. 31  
Res. 23  
28-0  
13-0013 Authorizing Advertisement for Bids for Highway Rehabilitation Program, Pinnacle Road in Town of Rush  
Transportation Committee; January 29, 2013 – CV: 7-0  
Ways and Means Committee; January 30, 2013 – CV: 10-0
13. Howland & Yolevich  
Intro. 32  
Res. 24  
28-0  
13-0014 Authorizing Contract with Erdman, Anthony and Associates, Inc. for Engineering Services for Highway Rehabilitation Program, Pinnacle Road in Town of Henrietta  
Transportation Committee; January 29, 2013 – CV: 7-0  
Ways and Means Committee; January 30, 2013 – CV: 10-0
14. Hanna & Yolevich  
Intro. 33  
Res. 25  
28-0  
13-0015 Authorizing Contracts with LaBella Associates, P.C. For Engineering Services and New York State Department of Transportation for Bridge Preventative Maintenance Project in Towns of Brighton, Clarkson, Greece, Hamlin, Parma and Wheatland  
Transportation Committee; January 29, 2013 – CV: 7-0  
Ways and Means Committee; January 30, 2013 – CV: 10-0
15. Valerio & Yolevich  
Intro. 34  
Res. 26  
28-0  
13-0016 Authorizing Contract with Fisher Associates, P.E., L.S., P.C. for Engineering Services for Morgan Road Culverts at Mill Creek and Black Creek Tributaries in Town of Chili  
Transportation Committee; January 29, 2013 – CV: 7-0  
Ways and Means Committee; January 30, 2013 – CV: 10-0
16. Valerio & Yolevich  
Intro. 35  
Res. 27  
28-0  
13-0017 Authorizing Contract with Hunt Engineers, Architects & Land Surveyors, P.C. for Engineering Services for Stottle Road Culvert at Black Creek Tributary in Town of Chili  
Transportation Committee; January 29, 2013 – CV: 7-0  
Ways and Means Committee; January 30, 2013 – CV: 10-0
17. Colby & Yolevich  
Intro. 36  
Res. 28  
28-0  
13-0018.br Resolution Authorizing the Issuance of \$3,375,000 Bonds of the County of Monroe, New York, to Finance the Cost of Reconstruction of Lyell Avenue (from Union Street to Village Line), in and for Said County, at an Estimated Maximum Cost of \$3,375,000 and Superseding the Bond Resolution Adopted on July 12, 2011 (Resolution No. 206 of 2011)  
Transportation Committee; January 29, 2013 – CV: 7-0  
Ways and Means Committee; January 30, 2013 – CV: 10-0

18. Drawe & Yolevich  
Intro. 37  
Res. 29  
28-0  
13-0019 Amending Resolution 295 of 2011 to Increase Professional Services Contracts for Monroe County Office of Mental Health, Socio-Legal Center  
Human Services Committee; January 29, 2013 – CV: 8-0  
Ways and Means Committee; January 30, 2013 – CV: 10-0
19. Howland, Hanna & Yolevich  
Intro. 38  
Res. 30  
28-0  
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  
Environment and Public Works Committee; January 30, 2013 – CV: 6-0  
Public Safety Committee; January 28, 2013 – CV: 8-0  
Ways and Means Committee; January 30, 2013 – CV: 10-0
20. Howland & Yolevich  
Intro. 39  
Res. 31  
28-0  
13-0021 Authorizing Contract with CHA Consulting, Inc. for Design Services for Tunnel Lighting Retrofit 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
21. Howland & Yolevich  
Intro. 40  
Res. 32  
28-0  
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  
Environment and Public Works Committee; January 30, 2013 – CV: 6-0  
Ways and Means Committee; January 30, 2013 – CV: 10-0  
*(Legislator Bauroth declared his interest prior to the vote)*
22. Howland & Yolevich  
Intro. 41  
Res. 33  
28-0  
13-0023 Accepting Grant from New York State Pollution Prevention Institute’s Community Grant Program for Pharmaceutical Collection Program Outreach Education  
Environment and Public Works Committee; January 30, 2013 – CV: 6-0  
Ways and Means Committee; January 30, 2013 – CV: 10-0
23. Howland & Yolevich  
Intro. 42  
13-0024 Approving Increase and Improvement of Facilities in Gates-Chili-Ogden Sewer District- General Collection System Improvements  
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  
Intro. 43  
M. 7  
28-0  
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
25. Howland & Yolevich  
Intro. 44  
Res. 34  
28-0  
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  
*(Public Hearing is scheduled for Tuesday, March 12, 2013 at 6:16 p.m.)*
26. Howland & Yolevich  
Intro. 45  
13-0026 Approving Increase and Improvement of Facilities in Irondequoit Bay South Central Pure Waters District – General Pump Station and Interceptor Improvements  
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  
Intro. 46  
M. 8  
28-0  
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

28. Howland & Yolevich  
Intro. 47  
Res. 35  
28-0
- 13-0026 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
- 13-0028 Approving Increase and Improvement of Facilities in Northwest Quadrant Pure Waters District – General Pump Station and Interceptor Improvements  
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)*
30. Howland & Yolevich  
Intro. 49  
M. 9  
28-0
- 13-0028 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
- 13-0028 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
- 13-0030 Approving Increase and Improvement of Facilities in Rochester Pure Waters District – Combined Sewer Overflow Abatement Program (CSOAP) Pedestrian Bridge Improvements  
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)*
33. Howland & Yolevich  
Intro. 52  
M. 10  
28-0
- 13-0030 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
- 13-0030 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
- 13-0032 Approving Increase and Improvement of Facilities in Rochester Pure Waters District – Combined Sewer Overflow Abatement Program (CSOAP) Tunnel System Improvements  
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)*
36. Howland & Yolevich  
Intro. 55  
M. 11  
28-0
- 13-0032 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
- 13-0032 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

13-0034 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

13-0035 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

13-0036 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

13-0037 Designating Official Newspapers for County of Monroe for 2013  
Agenda Charter Committee; January 28, 2013 – CV: 3-2

Intro. 61  
M. 12  
9-19 F

Bauroth/Patterson

Motion to Amend File No. 13-0037, "Designation of Official Newspapers" to read as follows:

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.

Added Language is underlined

Deleted Language is ~~stricken~~

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

Intro. 62  
M. 13  
9-19 F

Patterson/J. Lightfoot

Motion to Amend File No. 13-0037, "Designation of Official Newspapers" to read as follows:

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.

Added Language is underlined

Deleted Language is ~~stricken~~

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

Intro. 60  
Res. 42

24-4 *(Legislators Kaleb, 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, Drawe, Gumina, Hanna, Howland, McCann, Micciche, Quatro, Rockow, Tucciarello, Valerio, Yolevich and Adair – 19

Noes- Andrews, Bauroth, Gamble, Kaleh, J. Lightfoot, W. Lightfoot, Morelle, Patterson and Wilcox - 9

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 ~~stricken~~

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, Drawe, Gumina, Hanna, Howland, McCann, Micciche, Quatro, Rockow, Tucciarello, Valerio, Yolevich and Adair – 19

Noes- Andrews, Bauroth, Gamble, Kaleh, J. Lightfoot, W. Lightfoot, Morelle, Patterson and Wilcox - 9

Intro. 63  
Res. 43  
19-9

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



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|--|---------|---|
| 43. Yolevich &<br>Gumina<br>Intro. 66<br>Res. 44<br>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<br>Ways and Means Committee; January 30, 2013 – CV: 10-0 |
| 44. Yolevich &<br>Gumina<br>Intro. 67<br>Res. 45<br>28-0 | 13-0045 | Authorizing Contract with Strong Employee Assistance Plan to Provide Employee Assistance Program for Monroe County Employees<br>Ways and Means Committee; January 30, 2013 – CV: 10-0   |

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**UNFINISHED BUSINESS**

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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