ELEVENTH DAY

TUESDAY, September 8, 2015

Legislature met pursuant to adjournment.

President Jeffrey R. Adair in the Chair.

ROLL CALL

Present – Legislators Adair, Ancello, Andrews, Bauroth, Boyce, Carbone, Delehanty, Daniele, Drawe, Flagler-Mitchell, Gamble, Haney, Howland, Kaleh, J. Lightfoot, W. Lightfoot, Marianetti, Micciche, Morelle, Jr., Quatro, Rockow, Styk, Taylor, Terp, Tucciarello, Valerio, Yolevich – 27

Absent – Legislators Colby, Wilcox – 2

The meeting formally opened. At the invitation of Legislator Mike Rockow, Christian Bode of St. John Lutheran Church delivered the invocation. The Pledge of Allegiance to the Flag was led by Legislator Tony Micciche.

APPROVAL OF MINUTES

Without objection, the Journals of Day 9, August 11, 2015 and Day 10, the Special Meeting, August 19, 2015 were approved as submitted.

PETITIONS AND COMMUNICATIONS

None

President Adair recognized Legislator Willie Lightfoot, to give him the opportunity to speak about an event honoring Rochester's only Boxing World Champion, Charles "the Natural" Murray.

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

PROCLAMATIONS

By the President of the Legislature – Jeffrey R. Adair

Recognized jointly with County Executive Brooks and Legislator Boyce, "Rotary Sunshine Camp" for meeting the needs of our community's individuals with special needs since it was established in 1922, providing wonderful opportunities for people of all ages to experience new adventures and create lifelong memories.
Read and Filed.

Recognized jointly with Legislators Drawe, Delehanty and Styk, William "Buddy" Nyhof for his ability to be a role model to his students and his community by teaching the importance of spreading awareness for environmental preservation by putting his lessons into action bike riding across the United States to raise money.
Read and Filed.

Recognized jointly with Legislators Flagler-Mitchell and Gamble, Stephanie Paredes, Recipient of the 2015 Father Tracy Award and for her Dedicated work as a Contributor to enhancing diversity and the arts in our community. Read and Filed.

RECESS

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

"Approving Increase and Improvement of Facilities in Gates-Chili-Ogden Sewer District for Acquisition of Mill Seat Pump Station and Forcemain from Monroe County"

No speakers addressed the Legislature and the Public Hearing concluded at 6:30 P.M.

FORMAL COMMITTEE REPORTS

President Adair announced the an Agenda/Charter Committee Report from the August 19, 2015 Committee meeting was in the Legislators folders.

PUBLIC FORUM

An Open Forum was conducted to allow speakers to address the Legislature. There were two speakers and the Open Forum concluded at 6:34 P.M.

Note: Legislators Flagler-Mitchell and Gamble exited the chambers prior to the meeting of the Pure Waters Administrative Board.

RECESS

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

CONSIDERATION OF LOCAL LAWS

1. Rockow & Yolevich Intro. 288	15-0264.LL	Enacting a Local Law Authorizing the Sale of Surplus Property on O'Brien Road, in Town of Riga, New York to George McCormick Agenda/Charter Committee; August 19, 2015 – CV: 5-0 Ways and Means Committee; August 19, 2015 – CV: 10-0 *(For Introductory Purposes Only)*
2. Rockow & Yolevich Intro. 289 M. 59 25-0	15-0264.LL	Providing that Local Law (Intro. No. 288 of 2015), Entitled "Authorizing the Sale of of Surplus Property on O'Brien Road in Town of Riga, New York to George McCormick," Be Tabled
3. Rockow & Yolevich Intro. 290 Res. 228 25-0	15-0264.LL	Fixing a Public Hearing on Local Law (Intro. No. 288 of 2015), Entitled "Authorizing the Sale of Surplus Property on O'Brien Road in Town of Riga, New York to George McCormick" *(Public Hearing is scheduled for Tuesday, October 13, 2015 at 6:15 p.m.)*

4. Rockow, Marianetti & Yolevich Intro. 291 — 15-0266.LL Enacting a Local Law to Amend the Landfill Lease Agreement with Waste Management of New York, LLC for Mill Seat Landfill
Agenda/Charter Committee; August 19, 2015 – CV: 3-2
Environment and Public Works Committee; August 19, 2015 – CV: 7-0
Ways and Means Committee; August 19, 2015 – CV: 10-0
(For Introductory Purposes Only)

Note: Legislators Flagler-Mitchell and Gamble reentered the chambers and were present for the remainder of the meeting.

Note: Legislator W. Lightfoot exited the chambers prior to the vote.

5. Tucciarello & Marianetti Intro. 292 M. 60 26-0 — 15-0266.LL Providing that Resolution (Intro. No. 291 of 2015), Entitled "Enacting a Local Law to Amend the Landfill Lease Agreement with Waste Management of New York, LLC for Mill Seat Landfill," Be Amended

PROVIDING THAT INTRO. NO. 291 OF 2015 BE AMENDED

Be It Moved, that Intro. No. 291 of 2015, be amended as follows:

Section 1. The County Executive, or her designee, is hereby authorized to execute an amendment to the Landfill Lease Agreement between the County of Monroe, New York and Waste Management of New York, LLC for the currently permitted Mill Seat Landfill with support facilities and Proposed Landfill Expansion for a period of forty-nine (49) years and until closure of the Landfill, and further amend the Landfill Lease Agreement or this Amendment upon the mutual consent of the parties. This Amendment shall include Additional Rent Revenue Sharing to the County, with the County receiving the greater amount of the two formulas set forth below:

Qualified Waste Tons	Percentage
1-299,999	1.50%
300,000-599,999	1.75%
600,000-649,999	2.25%
650,000-699,999	2.76%
700,000-749,999	3.08%
750,000-776,249	3.40%
776,250 or greater	4.00%

OR

Qualified Waste Tons (greater than 375,000 tons)	Percentage
For 600,000 tons or less: Tons – 375,000; plus:	6%
For 600,001 tons to 776,250 tons: Tons – 600,000	8%

File No. 15-0266

ADOPTION: Date: September 8, 2015 Vote: 26-0

Added language is underlined
Deleted language is ~~stricken~~

6. Rockow, Marianetti & Yolevich Intro. 293 M. 61 26-0	15-0266.LL	Providing that Local Law (Intro. No. 291 of 2015), Entitled "Enacting a Local Law to Amend the Landfill Lease Agreement with Waste Management of New York, LLC for Mill Seat Landfill," Be Tabled
7. Rockow, Marianetti & Yolevich Intro. 294 Res. 229 26-0	15-0266.LL	Fixing a Public Hearing on Local Law (Intro. No. 291 of 2015), Entitled "Enacting a Local Law to Amend the Landfill Lease Agreement with Waste Management of New York, LLC for Mill Seat Landfill" *(Public Hearing is scheduled for Tuesday, October 13, 2015 at 6:16 p.m.)*

MOTIONS, RESOLUTIONS AND NOTICES

Note: Legislator W. Lightfoot reentered the chambers and was present for the remainder of the meeting.

Intro. 295 M. 62 27-0		Tucciarello/Andrews Motion to Move Agenda Items 8 through 32 as a Whole Except for Item Nos. 15, 17, 18, 19 and 22
8. Marianetti & Yolevich Intro. 296 M. 63 27-0	15-0231	Providing that Resolution (Intro. No. 281 of 2015), Entitled "Approving Increase and Improvement of Facilities in Gates-Chili-Ogden Sewer District for Acquisition of Mill Seat Pump Station and Forcemain from Monroe County," Be Lifted from the Table
9. Marianetti & Yolevich Intro. 297 M. 64	15-0231	Providing that Resolution (Intro. No. 281 of 2015), Entitled "Approving Increase and Improvement of Facilities in Gates-Chili-Ogden Sewer District for Acquisition of Mill Seat Pump Station and Forcemain from Monroe County," Be Adopted
Intro. 281 Res. 230 27-0		Main Motion
10. Marianetti & Yolevich Intro. 298 Res. 231 27-0	15-0236	Confirming Appointment of Legislative Representative to Monroe County Fishery Advisory Board
11. Valerio & Yolevich Intro. 299 Res. 232 27-0	15-0237	Confirming Appointment of Legislative Liaison to Board of Trustees of the Monroe County Library System
12. Yolevich & Rockow Intro. 300 Res. 233 27-0	15-0238	Confirming Appointment to Greater Rochester Visitors Association, Inc. Board of Directors
13. Ancello & Yolevich Intro. 301 Res. 234 27-0	15-0247	Amending Resolution 304 of 2014 to Accept Additional Funding from New York State Office of Victim Services for Victim and Witness Assistance Program for District Attorney's Office Public Safety Committee; August 18, 2015 – CV: 8-0 Ways and Means Committee; August 19, 2015 – CV: 10-0

14. Ancello & Yolevich Intro. 302 Res. 235 27-0	15-0248	Amending Resolution 303 of 2014 to Accept Additional Funding from New York State Office of Victim Services for Sheriff's Victim Assistance Program Public Safety Committee; August 18, 2015 – CV: 8-0 Ways and Means Committee; August 19, 2015 – CV: 10-0
15. Ancello & Yolevich Intro. 303 Res. 236 25-2	15-0249	Authorizing Contract with Aramark Correctional Services, LLC for Provision of Commissary Services at Monroe County Jail and Monroe County Correctional Facility Public Safety Committee; August 18, 2015 – CV: 8-0 Ways and Means Committee; August 19, 2015 – CV: 8-2 *(Legislators Haney and Kaleh Voted in the Negative)*
16. Ancello & Yolevich Intro. 304 Res. 237 27-0	15-0250	Authorizing Contract with Monroe #1 Board of Cooperative Educational Services for Reimbursement to Monroe County Sheriff's Office School Resource Program Public Safety Committee; August 18, 2015 – CV: 8-0 Ways and Means Committee; August 19, 2015 – CV: 10-0
17. Marianetti, Valerio & Yolevich Intro. 305 Res. 238 27-0	15-0251	Authorizing Contracts with Manning-Squires-Hennig Co., Inc., Elmer W. Davis Inc., Schindler Elevator Corporation, Monroe Piping & Sheet Metal, LLC, Thurston Dudek, LLC, Crosby-Brownlie, Inc., and Schuler-Haas Electric Corp.; Accepting Incentive Award from New York State Energy Research and Development Authority, and Contract with Dormitory Authority of State of New York for Monroe Community College Downtown Campus Project Environment and Public Works Committee; August 19, 2015 – CV: 7-0 Recreation and Education Committee; August 18, 2015 – CV: 5-0 Ways and Means Committee; August 19, 2015 – CV: 10-0
18. Marianetti & Yolevich Intro. 306 Res. 239 27-0	15-0252	Amending 2015-2020 Capital Improvement Program to Expand Scope and Increase Project Authorization of Northeast Quadrant (Gloria Drive) Landfill Improvements Project for Acquisition of Property Located at 1775 Kennedy Road in Town of Penfield Environment and Public Works Committee; August 19, 2015 – CV: 7-0 Ways and Means Committee; August 19, 2015 – CV: 10-0
19. Marianetti & Yolevich Intro. 307 Res. 240 27-0	15-0252.br	Resolution Authorizing the Issuance of $700,000 Bonds of the County of Monroe, New York, To Finance the Planning and Design Cost of Northeast Quadrant (Gloria Drive) Landfill Improvements, Including a Comprehensive Environmental Evaluation, Planning and Design of a New Containment/Collection System, Pump Station and Force Main To Convey Leachate to the Local Municipal Sewer System, and the Acquisition of Real Property Known As 1775 Kennedy Road, In and For Said County, At An Estimated Maximum Cost Of $700,000 and Superseding the Bond Resolution Adopted on December 9, 2014 (Resolution No. 361 of 2014)
20. Marianetti & Yolevich Intro. 308 Res. 241 27-0	15-0253	Authorizing Contract with Blue Heron Construction Company, LLC for Construction Services for Lake and Merrill Pump Station Improvements Project Environment and Public Works Committee; August 19, 2015 – CV: 7-0 Ways and Means Committee; August 19, 2015 – CV: 10-0
21. Carbone & Yolevich Intro. 309 Res. 242 27-0	15-0255	Accepting Grant from New York State Department of Health for Nutrition Programs Human Services Committee; August 18, 2015 – CV: 7-0 Ways and Means Committee; August 19, 2015 – CV: 10-0
22. Rockow & Tucciarello Intro. 310 Res. 243 27-0	15-0256	Confirming Appointments and Reappointments to Monroe County Recycling Advisory Committee Agenda/Charter Committee; August 19, 2015 – CV: 5-0

23. Carbone & Yolevich Intro. 311 Res. 244 27-0	15-0257	Authorizing Contract with UltraMobile Imaging, Inc. for Radiology Services at Monroe Community Hospital Human Services Committee; August 18, 2015 – CV: 7-0 Ways and Means Committee; August 19, 2015 – CV: 10-0
24. Marianetti & Yolevich Intro. 312 Res. 245 27-0	15-0258	Authorizing Energy Performance Contract with Smartwatt Energy, Inc. for Energy Conservation Improvements at Frank E. Van Lare Treatment Plant, Northwest Quadrant Treatment Plant, Fleet Operations Center, Greater Rochester International Airport, Hall of Justice, County Office Building and Various Pure Waters' Pump Stations Environment and Public Works Committee; August 19, 2015 – CV: 7-0 Ways and Means Committee; July 29, 2015 – CV: 10-0
25. Marianetti & Yolevich Intro. 313	15-0260	Approving Increase and Improvement of Facilities in Irondequoit Bay South Central Pure Waters District for Acquisition of Industry Pump Station and Forcemain from New York State Environment and Public Works Committee; August 19, 2015 – CV: 7-0 Ways and Means Committee; August 19, 2015 – CV: 10-0 *(For Introductory Purposes Only)*
26. Marianetti & Yolevich Intro. 314 M. 65 27-0	15-0260	Providing that Resolution (Intro. No. 313 of 2015), Entitled "Approving Increase and Improvement of Facilities in Irondequoit Bay South Central Pure Waters District for Acquisition of Industry Pump Station and Forcemain from New York State," Be Tabled
27. Marianetti & Yolevich Intro. 315 Res. 246 27-0	15-0260	Calling a Public Hearing for the Purpose of Considering a Proposed Increase and Improvement of Facilities in Irondequoit Bay South Central Pure Waters District for Acquisition of Industry Pump Station and Forcemain from New York State *(Public Hearing is scheduled for Tuesday, October 13, 2015 at 6:17 p.m.)*
28. Micciche & Boyce Intro. 316 Res. 247 27-0	15-0262	Authorizing Jurisdictional Transfer of Portion of Brew Road in Town of Riga to Town of Riga Intergovernmental Relations Committee; August 18, 2015 – CV: 5-0 Transportation Committee; August 19, 2015 – CV: 7-0
29. Yolevich & Rockow Intro. 317 Res. 248 27-0	15-0263	Authorizing Acquisition of Interests in Real Property of Portion of O'Brien Road Right of Way in Town of Riga Ways and Means Committee; August 19, 2015 – CV: 10-0
30. Yolevich & Rockow Intro. 318 Res. 249 27-0	15-0265	Authorizing Acquisition of Interest in Real Property Located on Bovee Road in Town of Riga Ways and Means Committee; August 19, 2015 – CV: 10-0
31. Ancello & Yolevich Intro. 319 Res. 250 27-0	15-0267	Accepting Grant from New York State Division of Homeland Security and Emergency Services for FY2014 Hazardous Materials Emergency Preparedness Grant Program and Amending Resolution 211 of 2015 to Increase Contract with Monroe Community College for Homeland Security Exercise and Evaluation Program Coordinator Public Safety Committee; August 18, 2015 – CV: 8-0 Ways and Means Committee; August 19, 2015 – CV: 10-0

32. Marianetti & Yolevich Intro. 320 Res. 251 27-0	15-0268.br	Resolution Authorizing the Issuance of $3,900,000 Bonds of the County Of Monroe, New York, To Finance the Cost To Construct, Rehabilitate or Reconstruct Aircraft Aprons at the Greater Rochester International Airport, Including Demolition or Modification of Existing Structures, In and For Said County, At An Estimated Maximum Cost of $3,900,000 And Superseding the Bond Resolution Adopted On February 10, 2015 (Resolution No. 71 of 2015) Environment and Public Works Committee; August 19, 2015 – CV: 7-0 Ways and Means Committee; August 19, 2015 – CV: 10-0

Matters of Urgency

33. Rockow, Marianetti & Yolevich Intro. 321	15-0272.LL	Enacting a Local Law Authorizing Lease Agreement with Waste Management of New York, LLC for Ecopark Facility *(For Introductory Purposes Only)*
34. Rockow, Marianetti & Yolevich Intro. 322 M. 66 27-0	15-0272.LL	Providing that Local Law (Intro. No. 321 of 2015), Entitled "Enacting a Local Law Authorizing Lease Agreement with Waste Management of New York, LLC for Ecopark Facility," be Tabled
35. Rockow, Marianetti & Yolevich Intro. 323 Res. 252 27-0	15-0272.LL	Fixing a Public Hearing on Local Law (Intro. No. 321 of 2015), Entitled "Enacting a Local Law Authorizing Lease Agreement with Waste Management of New York, LLC for Ecopark Facility" *(Public Hearing is scheduled for Tuesday, October 13, 2015 at 6:18 p.m.)*
36. Rockow, Marianetti & Yolevich Intro. 324	15-0274.LL	Enacting a Local Law to Authorize a Power Purchase Agreement and Leases with Solar Liberty, Inc.; Transferring Parcels from Solid Waste Fund to County Internal Service Fund and Authorizing Interconnection Agreements with RG&E, All Related to Creation of Solar-Generated Electricity to Benefit Monroe County Pure Waters and Monroe County Facilities *(For Introductory Purposes Only)*
37. Rockow, Marianetti & Yolevich Intro. 325 M. 67 27-0	15-0274.LL	Providing that Local Law (Intro. No. 324 of 2015), Entitled "Enacting a Local Law to Authorize a Power Purchase Agreement and Leases with Solar Liberty, Inc.; Transferring Parcels from Solid Waste Fund to County Internal Service Fund and Authorizing Interconnection Agreements with RG&E, All Related to Creation of Solar-Generated Electricity to Benefit Monroe County Pure Waters and Monroe County Facilities," Be Tabled
38. Rockow, Marianetti & Yolevich Intro. 326 Res. 253 27-0	15-0274.LL	Fixing a Public Hearing on Local Law (Intro. No. 324 of 2015), Entitled "Enacting a Local Law to Authorize a Power Purchase Agreement and Leases with Solar Liberty, Inc.; Transferring Parcels from Solid Waste Fund to County Internal Service Fund and Authorizing Interconnection Agreements with RG&E, All Related to Creation of Solar-Generated Electricity to Benefit Monroe County Pure Waters and Monroe County Facilities" *(Public Hearing is scheduled for Tuesday, October 13, 2015 at 6:19 p.m.)*

UNFINISHED BUSINESS

None

Upon Motion by Legislator Tucciarello, the Legislature Adjourned at 7:17 p.m. until **Tuesday, October 13, 2015 at 6:00 P.M.**

JAMIE L. SLOCUM
Clerk of the Legislature