

REGULAR meeting of the Hornell Common Council was held on Monday, October 27, 2014, at 7 p.m. in Council Chambers at 82 Main St., Hornell, N.Y.

PRESENT: Mayor Shawn D. Hogan; Council members Ponticello, Brown, McKay, McCumiskey, McManus, Lehman, Bassage, Buckley and Carbone; City Attorney Joseph Pelych; and City Clerk Barbara Perrott.

ALSO PRESENT: City Chamberlain Michele Smith, Eileen Lehman, 24 High School students

ABSENT: Council member Foreman

INVOCATION: Mayor Hogan

PLEDGE TO THE FLAG: Mayor Shawn Hogan

Matt Montalbo from Drescher Malecki presented the 2013-2014 Audit to the Council.

By: Buckley/Lehman

RESOLVED, that the minutes of the Common Council meeting of September 15, 2014 be approved as read.

Carried – 9

Absent – 1 (Foreman)

By: Carbone/Brown

RESOLVED, that the Reports of Officers be accepted and placed on file.

Carried – 9

Absent – 1 (Foreman)

REPORTS FILED:

Library Bd. Of Trustees – 6/16/14, Humane Society – 9/2014, BPW Minutes – 8/21/14, BPS Minutes – 9/11/14, DPW – 8/14, Codes – 9/2014, Petro Tank – 9/2/14, Police – 9/2014, Sewer – 8/14 & 9/14, Fire & Ambulance - 9/2014, WTP – 8/14, Codes Office Log – 9/2014, WPCP – 8/14, Community Devel. Summaries – 9/2014, Project Summary – 8/21/14 & 9/18/14, Municipal Shelter Rpt. – 8/26/14, Econ. Dev. Loan Summary of Activities -8/2014, City Clerk – 9/2014,

General Fund Exp. - 9/2014, Water Fund Exp. – 9/2014, General Fund Rev. – 9/2014, Water Fund Rev. – 9/2014

By: Brown/Ponticello

RESOLVED, that the Reports of Committees be accepted and placed on file.

QUALITY OF LIFE COMMITTEE

September 30, 2014

Hon Mayor Shawn D Hogan
Members of the Council

Ladies & Gentlemen:

The Quality of Life Committee met at 6:00 pm on September 29, 2014. Chairman John Buckley called the meeting of to order. Committee members present John Buckley, Fred Lehman, Norman McCumiskey, Dan McManus and Melissa Ponticello. Also in attendance were Mayor Hogan and Bill Murphy from WLEA

The committee discussed Empire Access coming to Hornell. Empire will offer cable, phone and high speed internet and will directly compete with Time Warner Cable at a lesser cost to consumers. They plan to open a store front on Main St. and will employ 3 people initially.

The committee passed a resolution to grant Empire Cable a franchise agreement for a 10 year period. Motion by Lehman and seconded by McCumiskey. Ayes all.

There being no further business the meeting was adjourned at 6:30 pm. Motion to adjourn by McManus and seconded by Ponticello. Ayes All.

Respectfully submitted,

John Buckley, Chairman

LAW & ORDINANCE COMMITTEE

October 27, 2014

Hon Mayor Shawn D Hogan

Members of the Council

Ladies & Gentlemen:

The Law & Ordinance Committee met on Tuesday October 14, 2014 at 6:00pm at City Hall. Members present were Melissa Ponticello, Joe McKay, Fred Lehman and Jeff Brown. Mayor Hogan, Pamela Markel, Daniel Woodward and John Murawski also attended the meeting.

Items discussed:

1. Ban parking on the south side of Genesee Street from Church Street to Hakes Avenue.

(Motion approved by Ponticello and seconded by McKay. Vote: all ayes)

There being no further business, the meeting adjourned at 6:12pm. Next meeting TBA.

Respectfully submitted,

Jeff Brown, Chairman

AUDIT COMMITTEE:

October 17, 2014

To the Honorable Shawn D. Hogan, Mayor

And

Members of the Common Council

Ladies and Gentlemen:

Bills were audited and approved by Audit Committee Members Jeff Brown, Fred Lehman, Jim Bassage and Audit Committee Chairman John Carbone.

Bills audited and approved:

CC	\$249,028.24
CD	\$ 7,717.00
PAYROLL	<u>\$ 84,575.37</u>

TOTAL \$341,320.61

Respectfully submitted,

John Carbone, Chairman
Audit Committee

Carried – 9
Absent – 1 (Foreman)

By: McManus/Buckley

HN 14-54 Accept the Audit

WHEREAS the City of Hornell has entered into a contract with Drescher & Malecki LLP for accounting services, and

WHEREAS said firm performed an audit of the financial condition of the City of Hornell, and

WHEREAS the City of Hornell received said audit dated September 8, 2014 and

WHEREAS said audit was presented to the Common Council on October 27, 2014.

NOW THEREFORE BE IT RESOLVED that said audit be accepted and received as filed by the Common Council for the City of Hornell.

Carried – 9
Absent – 1 (Foreman)

By: Buckley/Brown

HN 14-55 Budget Transfer – Parks to Pools

WHEREAS, Account #7180.1 (Pool Personnel) has exceeded the budgeted amount.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Hornell, N.Y., that \$4,730.43 be hereby transferred from Account #7410.1 (Playground Personnel) to Account #7180.1 (Pool Personnel).

Carried – 9

Absent – 1 (Foreman)

By: Carbone/Lehman

HN 14-56 Set Trick or Treat Hours

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Hornell hereby sets trick-or-treating hours for 6-8 p.m. on the night of Friday, Oct. 31, 2014.

Carried – 9

Absent – 1 (Foreman)

By: Buckley/McCumiskey

HN 14-57 Local Law #2 of 2014

WHEREAS, the City of Hornell has been presented with a proposed franchise agreement with Empire Video Services Corporation (the "franchise agreement"), and

WHEREAS, a public hearing has been conducted by the City of Hornell, said public hearing having been held on the 27th day of October, 2014, and

WHEREAS, after the public hearing, it is the belief of the Common Council for the City of Hornell that it is in the best interest of the citizens of the City of Hornell to enter into a non-exclusive franchise agreement with Empire Video Services Corporation.

NOW, THEREFORE, it is hereby:

RESOLVED, that the franchise agreement is approved, and to that end the City of Hornell's Mayor is hereby authorized, in the name and on behalf of the City, to (i) execute and deliver, in the name and on behalf of the City, the franchise agreement, (ii) take all such other actions (with the advice of counsel) as may be required to institute the cable television franchise contemplated by the franchise agreement, including without limitation, further negotiation and preparation of the franchise agreement and the execution and delivery of any necessary agreements, amendments, supplements, extensions, certificates, notes and other documents and instruments, all in form and substance as may be approved by the City's Mayor (his signature thereon being conclusive evidence of such approval), and (iii) take such further actions as the City's Mayor may deem necessary or advisable and appropriate to consummate the transactions hereby approved and otherwise to carry out

the purpose and intent of this resolution, and it is further

RESOLVED, that all actions taken by the City of Hornell's Mayor to date in connection with the franchise agreement are hereby ratified and affirmed in all respects.

Carried – 9

Absent – 1 (Foreman)

By: Ponticello/McManus

HN 14-57A Local Law #3 of 2014

WHEREAS, the City of Hornell has been presented with a proposed franchise agreement with Community Cable Corporation, d/b/a North Penn Video (the “franchise agreement”), and

WHEREAS, a public hearing has been conducted by the City of Hornell, said public hearing having been held on the 27th day of October, 2014, and

WHEREAS, after the public hearing, it is the belief of the Common Council for the City of Hornell that it is in the best interest of the citizens of the City of Hornell to enter into a non-exclusive franchise agreement with Community Cable Corporation, d/b/a North Penn Video.

NOW, THEREFORE, it is hereby:

RESOLVED, that the franchise agreement is approved, and to that end the City of Hornell's Mayor is hereby authorized, in the name and on behalf of the City, to (i) execute and deliver, in the name and on behalf of the City, the franchise agreement, (ii) take all such other actions (with the advice of counsel) as may be required to institute the cable television franchise contemplated by the franchise agreement, including without limitation, further negotiation and preparation of the franchise agreement and the execution and delivery of any necessary agreements, amendments, supplements, extensions, certificates, notes and other documents and instruments, all in form and substance as may be approved by the City's Mayor (his signature thereon being conclusive evidence of such approval), and (iii) take such further actions as the City's Mayor may deem necessary or advisable and appropriate to consummate the transactions hereby approved and otherwise to carry out the purpose and intent of this resolution, and it is further

RESOLVED, that all actions taken by the City of Hornell's Mayor to date in connection with the franchise agreement are hereby ratified and affirmed in all respects.

Carried – 9

Absent – 1 (Foreman)

By: Brown/Ponticello

HN 14-58 Traffic Ordinance #714 – Genesee St.

RESOLVED, that the Common Council of the City of Hornell hereby approves the following Traffic Ordinance Amendment pertaining to Genesee Street.

- Ban parking on the south side of Genesee Street from Church Street to Hakes Avenue.

BE IT FURTHER RESOLVED that this change is effective upon placement of signs and is to be published in the newspaper of record.

Carried – 9

Absent – 1 (Foreman)

By: Buckley/McCumiskey

HN 14-59 Forgive Taxes on 273 Canisteo St.

WHEREAS, the property at 273 Canisteo St. in the City of Hornell was purchased in the 2014 Steuben County Tax Sale, and

WHEREAS, there is an outstanding City of Hornell tax for the year 2014-15,

NOW THEREFORE BE IT RESOLVED, that the 2014-15 City tax ascribed to the parcel of land located at 273 Canisteo St. in the City of Hornell in the amount of \$769.40 is hereby forgiven and rescinded.

Carried – 7

Nays – 2

Absent – 1 (Foreman)

PETITIONS: NONE

CLAIMS:

By: Carbone/McManus

NOW, THEREFORE, BE IT RESOLVED, that claims in the amount of \$243,429.96, as audited by the Audit Committee of the Common Council of the City of Hornell, be approved and authorized paid as audited.

CC	\$161,964.87
CD	\$ 50.50
PAYROLL	<u>\$ 81,414.59</u>
TOTAL	<u>\$243,429.96</u>

Carried – 8

Absent – 2 (Foreman, Bassage)

NEW & UNFINISHED BUSINESS:

- ☐ Mayor Hogan gave an update on St. James Hospital
- ☐ Mayor Hogan announced that the City has received a grant for \$323,906 for the Shawmut Bike Trail, which will go from Fucci Memorial Park to Webb's Crossing. Work on the trail will start next spring.

By: Buckley/Lehman

RESOLVED, that there being no further business the Common Council adjourn at 8:08 p.m.

Carried – 9

Absent – 1 (Foreman)

SHAWN D. HOGAN
MAYOR

BARBARA M. PERROTT
CITY CLERK