

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

**PRESENT:** Mayor Shawn D. Hogan; City Attorney Joe Pelych; Aldermen Murray, Brown, Harkenrider, McCumiskey, McManus, Lehman, Bassage, Buckley and Carbone, City Clerk Barbara Perrott.

**ALSO PRESENT:** Jeff Cole, Evening Tribune; Bill Dugan and Billy Murphy, WLEA; 8 High School students and a number of City residents.

**ABSENT:** Aldermen Foreman

**INVOCATION:** Rev. Bliss

**PLEDGE TO THE FLAG:** Mayor Shawn Hogan

By: Lehman/Buckley

**RESOLVED**, that the minutes of the Common Council meeting of January 27, 2014 be approved as read.

Carried – 9

Absent – 1 (Foreman)

By: Murray/Harkenrider

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

**REPORTS FILED:** BPW Minutes-12/19/13; DPW-12/2013; Sewer-12/2013 and year end; Petro Tank Rpt-1/6/14; WPCP-12/2013; WTP-12/2013; Project Summary Rpt-1/6/14.

Carried – 9

Absent – 1 (Foreman)

By: Buckley/Brown

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

AUDIT COMMITTEE:

January 23, 2014

To the Honorable Shown D. Hogan, Mayor  
And  
Members of the Common Council

Ladies and Gentlemen:

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

Bills audited and approved:

|           |                            |
|-----------|----------------------------|
|           | CC \$1,424,047.76          |
|           | CD \$ 37,091.50            |
| PAYROLL   | <u>\$ 94,734.23</u>        |
| <br>TOTAL | <br><u>\$ 1,555,873.49</u> |

Respectfully submitted,  
John Carbone, Chairman  
Audit Committee

Carried – 9  
Absent – 1 (Foreman)

Mayor Hogan explained that the reason the claims are so high this month is due to the pension payment.

By: Buckley/McCumiskey  
**HN-14-A04**

**RESOLVED**, that the Common Council of the City of Hornell hereby waives the agenda to accept HN-B04, a resolution to add two more resolutions to the agenda.

Carried – 9  
Absent – 1 (Foreman)

By: Buckley/McManus  
**HN-14-B04**

**RESOLVED**, that the Common Council of the City of Hornell hereby approves the addition of two resolutions to the agenda; the first to appoint Jennifer Donlon to the position of Asst. City Judge and the second to appoint John Dagon to the position of Asst. City Judge.

Carried – 9

Absent – 1 (Foreman)

By: Buckley/Harkenrider

The Common Council adjourned to enter into Executive Session to discuss a personnel issue.

Carried – 9

Absent – 1 (Foreman)

By: Carbone/Lehman

The Common Council adjourned Executive Session to re-enter regular session.

Carried – 9

Absent – 1 (Foreman)

By: Murray/McCumiskey

**HN-14-04**

**NOW THEREFORE BE IT RESOLVED**, that David Coddington, of 238 Main St., Hornell, be hereby appointed to the position of Assistant City Judge effective immediately.

Ayes – 7

Nays - 2

Absent – 1 (Foreman)

Upon approval of HN-14-04, Mayor Hogan pulled the next three resolutions (HN-14-05, HN-14-05A, HN-14-05B)

**HN-14-06**

**RESOLVED**, that Josephine Ciancaglini, of 10 Rural Ave., be re-appointed to a three-year term on the City of Hornell Library Board of Directors, to run from February 1, 2014 to January 31, 2017.

Carried – 9

Absent – 1 (Foreman)

#### **HN-14-07**

**NOW, THEREFORE, BE IT RESOLVED**, that John Murawski of 10 The Circle., Hornell, New York, and Robert McLaughlin of 165 Leach Ave., Hornell, New York, are hereby reappointed as Commissioners of Hornell Housing Authority for four-year terms.

Carried – 9

Absent – 1 (Foreman)

#### **HN-14-08**

**NOW, THEREFORE, BE IT RESOLVED** by the Common Council of the City of Hornell, New York, that Joseph G. Pelych be reappointed as City Attorney for the City of Hornell for a two-year term commencing Feb. 1, 2014, and expiring Jan. 31, 2016.

Carried – 9

Absent – 1 (Foreman)

#### **HN-14-09**

**NOW, THEREFORE, BE IT RESOLVED**, that Barbara M. Perrott of 15 Ransom Street, Hornell, be hereby re-appointed to a two year term to the Hornell City Clerk position effective 01/31/2014 thru 01/30/2016.

Carried – 9

Absent – 1 (Foreman)

#### **HN-14-10**

**BE IT RESOLVED**, by the affirmative vote of not less than two-thirds of the total voting strength of the City Council of the City of Hornell, Steuben County, New York, as follows:

Section 1. Wastewater system improvements, in and for the City of Hornell, Steuben County, New York, consisting of a phosphorus removal process at the Wastewater Treatment Plant, digester process modifications and construction of a and filter building, including incidental improvements and expenses, are hereby authorized at a maximum estimated cost of \$341,160.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$341,160 serial bonds of said City, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is forty years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. The faith and credit of said City of Hornell, Steuben County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the City Chamberlain, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Chamberlain, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the City Chamberlain, the chief fiscal officer of such City. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the City Chamberlain shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or

- 2) \_\_\_\_\_ The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) \_\_\_\_\_ Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. The City Chamberlain is hereby further authorized, at her sole discretion, to execute a project finance agreement, and any other agreements with the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the object or purpose described in Section 1 hereof, or a portion thereof, by a bond or note issue of said City in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper of said City for such purpose, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Carried – 9

Absent – 1 (Foreman)

Alderman McManus asked what the tax burden to the tax payers will be. Mayor Hogan answered that there will not be any.

## **HN-14-11**

**WHEREAS**, a budget amendment is necessary to reflect an increase in the Water equipment account [F8340.21,

**NOW, THEREFORE BE IT RESOLVED** by the Common Council of the City of Hornell, NY that the 2013-2014 City of Hornell budget now reflects the following adjustments:

- Transfer \$200,000 from account F00200 (Water Cash) to F8340,2 (Water Equipment)

Carried – 9  
Absent – 1 (Foreman)

#### **HN-14-12**

**RESOLVED**, that the Mayor of the City of Hornell, Steuben County, New York, is hereby authorized as the official representative of the City of Hornell to execute a Grant Agreement with the NYS Environmental Facilities Corporation and any and all other contracts, documents and instruments necessary to bring about the Project and to fulfill the City of Hornell's obligations under the Engineering Planning Grant Agreement.

Carried – 9  
Absent – 1 (Foreman)

#### **HN-14-13**

**WHEREAS**, the City Council has authorized the Mayor to execute a Grant Agreement for the Wastewater Infrastructure Engineering Planning Grant approved by the NYS Environmental Facilities Corporation (EFC) to fund a portion of the cost to evaluate improvements to the Hornell Water Pollution Control Plant; and

**WHEREAS**, the program requires a 20% match (\$7,500).

**NOW THEREFORE BE IT RESOLVED**, that the Hornell City Council hereby authorizes and appropriates a minimum of 20% local match as required by the Engineering Planning Grant Program for the Wastewater Infrastructure Engineering Planning project. Under the Engineering Planning Grant Program, this local match must be at least 20% of the total project cost. The maximum local share appropriated subject to any changes agreed to by the Mayor of the City of Hornell shall not exceed \$7,500 based upon a total estimated project cost of \$37,500. The Mayor of the City of Hornell may increase this local match through the use of in kind services without further approval from the Common Council of the City of Hornell.

Carried – 9  
Absent – 1 (Foreman)

#### **HN-14-14**

**WHEREAS**, 6NYCRR Section 617.5 (Title 6 of the New York Code of Rules and Regulations) under the State Environmental Quality Review Act (SEQR) provides that certain actions identified in subdivision (c) of that section are not subject to environmental review under the Environmental conservation law and

**WHEREAS**, the City Council has determined that the proposed engineering planning study for improvements to the Hornell Water Pollution Control Plant is a "Type II Action",

**NOW THEREFORE, BE IT RESOLVED THAT**, the Hornell Common Council hereby declares that the environmental review process is completed and no further review or action will be required.

Carried – 9

Absent – 1 (Foreman)

#### **HN-14-15**

**Resolved**, that in accordance with the New York State Environmental Quality Review Act (SEQR), the Common Council of the City of Hornell hereby designates itself to serve as lead agency to coordinate the environmental review of the Phosphorus Removal System Construction.

In its capacity of lead agency, the Common Council has caused to be prepared an environmental assessment and potential environmental impact of the above project. The Common Council hereby accepts the environmental assessment of the project prepared by the Mayor's Planning Office.

**The Common Council further declares that**, based on the environmental assessment, which has been prepared, it finds that this activity is a TYPE II under SEQR. The Council further finds that the project will result in no adverse impacts and therefore, will not cause significant damages to the environment.

**Therefore**, the Common Council has determined that an Environmental Impact Statement will not be required.

Carried – 9

Absent – 1 (Foreman)

#### **HN-14-16**

**RESOLVED**, that the Mayor of the City of Hornell, Steuben County, New York, is hereby authorized as the official representative of the City of Hornell to execute a Grant Application and any and all other contracts, documents and instruments necessary for Clean Water State Revolving Fund Assistance for the following projects:

1. Emergency Elm Street Sewer Repairs.
2. Energy Performance Contract at the Wastewater Treatment Plant
3. Phosphorus Removal Process Construction at the Wastewater Treatment Plant
4. Digester Process Modifications and Construction of Sand Filter Building at the Wastewater Treatment Plant.

Carried – 9

Absent – 1 (Foreman)

**CLAIMS:**

NOW, THEREFORE, BE IT RESOLVED, that claims in the amount of \$1,555,873.49, as audited by the Audit Committee of the Common Council of the City of Hornell, be approved and authorized paid as audited.

|                       |                              |
|-----------------------|------------------------------|
| Common Council        | \$1,424,047.76               |
| Community Development | \$ 37,091.50                 |
| Payrolls              | <u>\$ 94,734.23</u>          |
| <b>TOTAL</b>          | <b><u>\$1,555,873.49</u></b> |

Carried – 9

Absent – 1 (Foreman)

**New & Unfinished Business:**

Mayor Hogan said that the Budget Process has begun. Department Heads have submitted their budgets for the next fiscal year.

By: Carbone/Buckley

**RESOLVED**, that the Common Council adjourn at 8:35 p.m.

Carried – 9

Absent – 1 (Foreman)

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SHAWN D. HOGAN  
MAYOR

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BARBARA M. PERROTT  
CITY CLERK