

REGULAR meeting of the Hornell Common Council was held on Monday, Dec. 17, 2007, at 7 p.m. in Council Chambers at 82 Main St., Hornell, N.Y.

PRESENT: Honorable Shawn D. Hogan, Mayor; Aldermen Flaitz, Norton, Sciotti, Shepard, Hann, Lewis, and Carbone; City Attorney Joseph Pelych; Stenographer Karen Schu; and City Clerk Robert J. Roberts.

AND FROM THE MEDIA: Jen Carpenter of The Evening Tribune.

ALSO PRESENT: The Rev. Patrick Van Durme; and, Hornell High School students Natasha Pearl, MenFa Zhao, Amanda Luce, Kirsten Vance, and Jessica Herrneckar.

ABSENT: Aldermen Koehler, Foreman, and Testani.

INVOCATION: The Rev. Patrick Van Durme of Our Lady of the Valley Parish.

PLEDGE TO THE FLAG: Alderman Norton.

By Carbone/Lewis:

RESOLVED, that the minutes of the Nov. 12, 2007, regular meeting and the Dec. 12, 2007, public hearing be approved as read.

Carried – Ayes all (7)

Absent – Koehler, Foreman, Testani (3)

By Shepard/Hann:

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

Carried – Ayes all (7)

Absent – Koehler, Foreman, Testani (3)

REPORTS FILED: City Clerk 11/2007; General Fund Expenditures 11/2007; Water Fund Expenditures 11/2007; General Fund Revenues 11/2007; Water Fund Revenues 11/2007; BPS Minutes 11/8/2007; HPD Report 11/2007; HFD Report 11/2007; Codes Report 11/2007; BPW Minutes 11/15/2007; DPW Report 11/2007; Sewer Report 11/2007; WPCP Report 11/2007; WTP Report 11/2007.

REPORTS OF COMMITTEES:

Dec. 12, 2007

To: the Honorable Shawn D. Hogan
And members of the Common Council

Ladies and Gentlemen:

The Audit Committee met and audited bills at x p.m. Wednesday, Dec. 12, 2007. Bills were audited and approved by members Jean Shepard, Glenn Hann, and Christopher Koehler, Chairman. Bills audited and approved:

CC	\$ 70,505.16
CD	244,243.87
PAYROLL	<u>88,754.56</u>
TOTAL	\$403,503.59

Respectfully submitted,
Christopher Koehler, Chairman
Audit Committee

ON THE QUESTION: Mayor Hogan wondered if the Common Council and CD figures were transposed. Upon further investigation, it was determined that the figures were correct.

By Huffsmith/Sciotti:

RESOLVED, that the Reports of Committees be accepted and placed on file.
Carried – Ayes all (7)
Absent – Koehler, Foreman, Testani (3)

RESOLUTIONS:

#1 – ACCEPT CANVASS OF VOTES – HN-07-66

By Flaitz/Norton:

WHEREAS, Subpart A §17 of the City Charter of the City of Hornell provides that the Common Council shall act as a Board of Canvassers of Election for City Elections, and

WHEREAS, the City Clerk has certified the following list, as submitted to him, pursuant to §17 of the City Charter, as the Official Statement of the Election Inspectors and results of the Election held on Nov. 6, 2007, as it now appears by records on file in the Office of the City Clerk, and

WHEREAS, the following persons have received a plurality of votes cast in such election for the respective offices set opposite their names:

Thelma A. Pelych, Dem.	City Chamberlain
Robert L. Flaitz, Rep.	1 st Ward Alderman
Christopher J. Koehler, Dem.	2 nd Ward Alderman
William J. Norton, Rep.	3 rd Ward Alderman
Angelo P. Sciotti, Dem.	4 th Ward Alderman
Joseph D. Foreman, Dem.	5 th Ward Alderman
Joseph R. Testani, Dem.	6 th Ward Alderman
Loretta J. Shepard, Dem.	7 th Ward Alderman

Glenn J. Hann, Dem.
Leslie D. Lewis, Rep.
John Carbone, Dem.

8th Ward Alderman
9th Ward Alderman
10th Ward Alderman

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Hornell does hereby declare the person named to be duly elected to the respective office set opposite their names for the terms of office, as specified by the City Charter of the City of Hornell.

Carried – Ayes all (7)

Absent – Koehler, Foreman, Testani (3)

#2 – ENDORSE ‘COMMUNITY THAT CARES’ BLOOD DRIVE – HN-07-67

By

Lewis/Shepard:

WHEREAS, the blood drives put on by the American Red Cross are of critical importance for the well-being of Hornell and communities across this nation, as one pint of blood can save up to three lives; and,

WHEREAS, blood donations are especially important at this time of year, when the blood supply is dangerously low due to illness, bad weather, and the holiday break at educational facilities; and,

WHEREAS, the American Red Cross is holding its “Community That Cares” blood drive from 1-7 p.m. Thursday, Dec. 27, at the Hornell Veterans of Foreign Wars post; and,

WHEREAS, this blood drive is in memory of Dr. John Kelly; and,

WHEREAS, Hornell has never had a 100-unit blood drive, which requires 130 to 140 donors;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Hornell hereby endorses the “Community That Cares” blood drive Dec. 27 at the VFW; and it is hereby further

RESOLVED, that the Common Council encourages every able resident of the City of Hornell to attend the event and donate blood.

Carried – Ayes all (7)

Absent – Koehler, Foreman, Testani (3)

ON THE QUESTION: Mayor Hogan noted the late Dr. John Kelly was an OB/GYN who had delivered more than 17,000 babies locally. This blood drive is “a good way to honor his memory and help support the Red Cross,” Mayor Hogan said.

#3 – ACCEPT SEQRA FOR LOWE’S PROPERTY – HN-07-68

By Carbone/Sciotti:

**DETERMINATION OF SIGNIFICANCE PURSUANT TO THE
STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA)**

(This action is taken pursuant to Part 617 of the implementing regulations pertaining to

Article 8 (State Environmental Quality Review) of the Environmental Conservation Law of the State of New York, with regard to the following Project.)

WHEREAS, on Oct. 30, 2007, the City of Hornell ("City") received a petition from Dr. Alan M. Robbins ("Applicant") for the proposed annexation from the Town of Hornellsville and Village of North Hornell into the City of Hornell of approximately 34.66 acres of land (S.B.L. #136.18-01-002.110), located at 2 Bethesda Drive and owned by Dr. Alan M. Robbins ("Project"); and ,

WHEREAS, as part of its application, the Applicant has submitted a Short Environmental Assessment Form (EAF) in compliance with Article 8 of the Environmental Conservation Law and 6 N.Y.C.R.R. Part 617 (collectively referred to as "SEQRA") with respect to the Project; a copy of which is attached hereto as Exhibit "A"; and,

WHEREAS, Notice that the City had determined that the Project should be subject to a Coordinated Review pursuant to SEQRA; that the Project appeared to be an Unlisted Action under SEQRA; and that the City intended to designate itself as Lead Agency for purposes of review pursuant to SEQRA was given to all involved agencies by correspondence mailed November 9, 2007, requesting that any responses, comments, or objections should be communicated to the City of Hornell by December 10, 2007; and no objection to the City assuming such status has been made; and,

WHEREAS, the City conducted a public hearing on Dec. 12, 2007, heard testimony and received comments concerning the Project; and,

WHEREAS, the City has reviewed the relevant completed EAF, as well as reviewed any comments received from the public and involved and interested agencies; and,

NOW THEREFORE BE IT RESOLVED THAT:

Section 1 The City hereby designates itself as lead agency with respect to SEQRA. The City has considered the Project pursuant to the parameters set forth in 6 N.Y.C.R.R. §§ 617.2(b) and 617.3(g) of the SEQRA regulations.

Section 2 The City classifies its review and approval of the Project as an Unlisted Action pursuant to the SEQRA regulations.

Section 3 The City has carefully reviewed the EAF, the criteria set forth in 6 N.Y.C.R.R. § 617.7(c) of the SEQRA regulations, as well as considered any and all comments received from the involved and interested agencies and the public regarding the Project. Based on the foregoing information, the City has thoroughly analyzed the potential relevant areas of environmental concern and finds that the Project will not result in a potential significant adverse impact on the environment for the following reasons:

- a. Land. The Project will not result in an adverse impact to land. The Project involves the annexation of uninhabited territory.
- b. Water. No water body of any type will be affected by the Project, and, as a result, the Project will not adversely impact any water body designated as protected pursuant to the New York Environmental Conservation Law nor will the Project affect any non-protected body of water.
- c. Air. The Project will not adversely impact the quality of air because no air emissions will result from the Project.
- d. Plants and Wildlife. The Project will not adversely impact plants and wildlife.
- e. Noise and Odor. The Project will not result in a significant adverse impact to existing levels of noise and odor because no affects on existing levels of noise or odor will result from the Project.

- f. Energy. The Project will not result in a significant adverse change in use of either the quantity or quality of energy.
- g. Critical Environmental Area. The Project will not result in the impairment of a Critical Environmental Area (“CEA”) as defined under the SEQRA regulations because the Project site is not located within a CEA nor will it affect any CEA.
- h. Public Health. The Project will not create a hazard to human health.
- i. Solid Waste and Wastewater. The Project will not result in a significant adverse increase in the generation of solid waste or wastewater.
- j. Open Space and Recreational Resources. The Project will not result in a significant adverse impact on existing open spaces and recreational resources.
- k. Aesthetic and Historical Resources. The Project is not located in a historic district. The Project does not entail an expansion or significant alteration of historic resources.
- l. Traffic and Transportation. The Project will not have a potential significant adverse impact to traffic and transportation.

Section 4 Based on the foregoing, the City finds that the Project will not have a potential significant adverse impact on the environment in accordance with the New York State Environmental Quality Review Act, Article 8 of the New York Environmental Conservation Law, and, in particular, pursuant to the criteria found at 6 N.Y.C.R.R. § 617.7(b) of the SEQR regulations. The City thus issues a Negative Declaration pursuant to SEQR.

Section 5 A Notice of Negative Declaration shall be filed and/or published to the extent required by the applicable SEQR regulations, and as the City may deem advisable. The findings and conclusions relating to the determination of significance contained within the Notice of Negative Declaration are hereby adopted and incorporated by reference into this Resolution.

Section 6 This Resolution has been prepared in accordance with Article 8 of the New York Environmental Conservation Act by the City of Hornell Common Council, 82 Main Street, PO Box 627, Hornell, New York, 14843; Phone: (607) 324-7421 Fax: (607) 324-3150.

Section 7 This Resolution shall take effect immediately upon adoption.

Carried – Ayes all (7)

Absent – Koehler, Foreman, Testani (3)

ON THE QUESTION: Mayor Hogan said this SEQRA had to be passed before the resolution on the annexation itself. The City and developers are working with FEMA, which has taken the site out of the floodplain, and with the Army Corps of Engineers in Baltimore, which the Mayor said has given the project “the green light.” The City now is working with the Army Corps of Engineers office in Buffalo, which has local oversight over wetlands, on the de facto wetland created when Maple City Drive was elevated during its construction. Last Nov. 20, Mayor Hogan, Public Works Superintendent David Oakes, and a representative from the project’s engineering firm met in Auburn with Army Corps and U.S. Fish & Wildlife officials to address concerns. The SEQRA and its findings do not apply to the proposed construction of a Lowe’s store on the site, Mayor Hogan said, but only to the annexation of the land. Alderwoman Shepard asked if the site has been rezoned commercial, to which Mayor Hogan responded affirmatively, by the

Village of North Hornell.

PETITIONS: None.

CLAIMS:

By Shepard/Flaitz:

NOW, THEREFORE, BE IT RESOLVED, that claims in the amount of \$403,503.59, as audited by the Audit Committee of the Common Council of the City of Hornell, be approved and authorized paid as audited.

	Common Council	\$	70,505.16
CD		\$	244,243.87
	Payrolls	\$	88,754.56
	TOTAL	\$	403,503.59

Carried – Ayes all (7)

Absent – Koehler, Foreman, Testani (3)

NEW & UNFINISHED BUSINESS:

Mayor Hogan said a recent audit indicated the Hornell Area Transit system was running about a \$150,000 deficit. Mayor Hogan thought the number might be incorrect, and upon further review with the auditor, determined that federal funds for HAT had not been included in the revenue. “HAT is not running a deficit,” Mayor Hogan said. The incorrect initial assessment did spark the attention of state Department of Transportation officials in Albany, who came to Hornell. “They look at HAT as one of their success stories,” said the Mayor, because HAT raises considerable fare-revenue in comparison to other rural areas. HAT serves a need for those without transportation or those who are handicapped without other transport, he said, so the City will subsidize it.

Jim Prior will retire from the Engineering Office at the end of this month, said Mayor Hogan, who encouraged aldermen to congratulate Mr. Prior for his years of service to the City.

Departmental budget requests are due soon, according to the Mayor. “I do not anticipate this to be an easy budget year,” he said. If state government honors its commitments, there should not be fluctuations in the tax rate. But, he added, after two consecutive years of no increase in the City property tax rate, it will be difficult to accomplish that a third year because of personnel obligations and rising fuel, heating, and electrical costs. Although the new budget year begins April 1, 2008, Mayor Hogan said he would like the new spending plan to be in place by the end of February or early March.

By Shepard/Flaitz:

RESOLVED, that the Common Council adjourn at 7:31 p.m.

Carried – Ayes all (7)

Absent – Koehler, Foreman, Testani (3)

Shawn D. Hogan
Mayor

Robert J. Roberts
City Clerk